

COUNCIL MEETING

MAY 6, 2015

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, May 6, 2015 at 8:04 a.m., after which the following members answered the call of the roll:

Honorable Mason K. Chock
Honorable Gary L. Hooser (*present at 8:05 a.m.*)
Honorable Ross Kagawa
Honorable Arryl Kaneshiro
Honorable KipuKai Kuali'i (*present at 11:57 a.m.*)
Honorable JoAnn A. Yukimura
Honorable Mel Rapozo

(Councilmember Yukimura was noted as not present.)

Council Chair Rapozo: Do you know where Councilmember Hooser or Councilmember Kuali'i is?

JADE K. FOUNTAIN-TANIGAWA, Deputy County Clerk: I believe Councilmember Hooser should be coming up in a few minutes. Councilmember Kuali'i, the same thing.

Council Chair Rapozo: Okay. Thank you. Can we have the first item, please?

APPROVAL OF AGENDA.

Councilmember Kagawa moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion?

The motion for approval of the agenda as circulated was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Hooser, Councilmember Kuali'i, and Councilmember Yukimura were noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Next item, please.

MINUTES of the following meetings of the Council:

February 6, 2015 Facilitated Shared Priorities Workshop
March 25, 2015 Council Meeting
April 8, 2015 Public Hearing re: Bill No. 2580

Councilmember Kagawa moved to approve the Minutes as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion? Any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and unanimously carried unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Hooser, Councilmember Kualii, and Councilmember Yukimura were noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item. We are going to take the Consent Calendar and then we will go into Executive Session. Can we have the Consent Calendar, please?

(*Councilmember Hooser and Councilmember Yukimura were noted as present.*)

CONSENT CALENDAR:

C 2015-134 Communication (10/15/2014) from the Assistant Chief Procurement Officer, transmitting for Council information, the Third Quarter Statement of Equipment Purchases for Fiscal Year 2014-2015, pursuant to Section 17 of Ordinance No. B-2014-781, the Operating Budget of the County of Kaua'i for Fiscal Year 2014-2015.

C 2015-135 Communication (04/20/2015) from Council Chair Rapozo, transmitting for Council consideration, a Resolution appointing Jade K. Fountain-Tanigawa as the County Clerk of the County of Kaua'i for the term that commenced on December 1, 2014.

C 2015-136 Communication (04/21/2015) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, with regard to C 2015-124, Office on Violence Against Women Grant application by the Office of the Prosecuting Attorney, as he is employed with the YWCA of Kaua'i.

C 2015-137 Communication (04/21/2015) from Councilmember Kualii, providing written disclosure of a possible conflict of interest and recusal, with regard to the grant application by the Office of the Prosecuting Attorney for the Kaua'i Victim of Crime Act Expansion Project 13-VA-3, as he is employed with the YWCA of Kaua'i.

C 2015-138 Communication (04/30/2015) from Council Vice Chair Kagawa, transmitting for Council consideration, a Resolution Urging The Administration To Consider New Technologies To Manage The County's Solid Waste Challenges. The proposed Resolution would encourage the Administration to consider new innovative technologies in an effort to address our current solid waste challenges.

Councilmember Kagawa moved to receive C 2015-134, C 2015-135, C 2015-136, C 2015-137, and C 2015-138 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Any discussion? Councilmember Yukimura.

Councilmember Yukimura: I know that there are people who want to testify on item C 2015-138, but if we are having that in the afternoon, then I think it is alright. Otherwise, I would like to keep it out so that it is there for people to...

Council Chair Rapozo: I do not see anybody here, Councilmember Yukimura.

Councilmember Yukimura: No. So, is it coming out in the afternoon?

Council Chair Rapozo: The Resolution comes out later.

Councilmember Yukimura: Okay, and that will be in the afternoon?

Council Chair Rapozo: It all depends how long we take in Executive Session. I would assume it is in the afternoon.

Councilmember Yukimura: Okay, that is good. Otherwise, I would like to have the communication still on the agenda.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I think Councilmember Yukimura could ask for us to table it until the end if they are not here when we have the Resolution. I see no reason to keep two (2) items...

Council Chair Rapozo: Right.

Councilmember Kagawa: ...on the agenda for people to speak on.

Council Chair Rapozo: Right.

Councilmember Yukimura: Yes, as long as we know that the Resolution itself will be in the afternoon.

Council Chair Rapozo: Again, I cannot guarantee when it is going to show up. It depends on this Council. Whether or not we keep the communication does not matter. It is six (6) of one half (½) dozen of the other. It does not matter. We have two (2) items for them to testify on.

Councilmember Yukimura: Alright.

Council Chair Rapozo: Let us just keep the Resolution open.

Councilmember Yukimura: Okay.

Council Chair Rapozo: If we have to, we can move the Resolution to the last item of the day. I do not have a problem with that.

Councilmember Yukimura: Okay. Thank you very much.

Council Chair Rapozo: Any further discussion?

The motion to receive C 2015-134, C 2015-135, C 2015-136, C 2015-137, and C 2015-138 for the record was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kualii was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo:
the Executive Sessions, please?

Thank you. At this point, staff, could you read

Ms. Fountain-Tanigawa:

This is on page 6.

EXECUTIVE SESSION:

ES-788 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-789 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Defendant Shaylene Iseri-Carvalho in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-790 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing and request authority for settlement as it relates to Defendant Sheilah Miyake in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

ES-791 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4 and 92-5(a)(4) and (8), and Kaua'i County Charter Section 3.07(E), the purpose of this Executive Session is to provide the Council with a briefing as it relates to Defendant Sheilah Miyake in Tim Bynum vs. County of Kaua'i, et al., Civil No. CV12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

(Councilmember Yukimura was noted as not present.)

ES-792 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests and Executive Session with the Council to provide the Council with a briefing regarding 1) the fact finding/investigation on three parcels of real property, Tax Map Keys (4) 3-3-018-002, (4) 3-8-004-001 and (4) 3-7-001-001, concerning each parcel's compliance with the Agricultural Dedication

Ordinance and the Sediment and Erosion Control Ordinance (Grubbing, Grading and Stockpiling) and related matters and 2) the process for an investigation pursuant to Section 3.17 of the Charter of the County of Kauaʻi and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-793 Pursuant to Hawaiʻi Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing regarding Puhi Metals Recycling Center issues and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

ES-794 Pursuant to Hawaiʻi Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kauaʻi County Charter Section 3.07(E), on behalf of the Council, the Office of the County Attorney requests an Executive Session with the Council to consult with the Council's legal counsel on questions and issues pertaining to the Council's powers, duties, privileges, immunities, and/or liabilities regarding the release of Executive Session Minutes of ES-722 from the June 25, 2014 meeting as it relates to the County's insurance policy with Everest National Insurance Company for attorneys' fees arising in connection with the lawsuit Tim Bynum vs. County of Kauaʻi, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters. This briefing and consultation involves the consideration of the powers, duties, privileges, immunities and/or liabilities of the Council and the County as they relate to this agenda item.

(Councilmember Yukimura was noted as present.)

Council Chair Rapozo: Thank you. Can I get a motion to go into Executive Session?

Councilmember Kagawa moved to convene in Executive Session for ES-788, ES-789, ES-790, ES-791, ES-792, ES-793, and ES-794, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. You had a question?

Councilmember Kagawa: Yes. In discussing with Mauna Kea, there may be a request later. So, I did not know if you wanted the motion to defer the Bynum, Iseri-Carvalho, and Miyake settlements.

Council Chair Rapozo: We will entertain that in Executive Session.

Councilmember Kagawa: Later, if we need it? Okay. Thank you.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: I would like to the County Attorney to give us some public discussion on ES-792.

Council Chair Rapozo: Okay. Mr. Trask.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: *Aloha* Honorable Chair and Councilmembers. For the record, Mauna Kea Trask, County Attorney.

Council Chair Rapozo: For the record, Councilmember Kaneshiro apparently is recused from this item.

Mr. Trask: Okay.

Council Chair Rapozo: So, he is stepping out.

Mr. Trask: I can just use the time to grab my other binder.

(Councilmember Kaneshiro was noted as recused from ES-792; Councilmember Yukimura was noted as not present.)

Councilmember Hooser: Did you want to introduce yourself?

Council Chair Rapozo: Go ahead. You had a question?

Councilmember Hooser: Yes, I do. Good morning.

Mr. Trask: Good morning.

Councilmember Hooser: This item, ES-792, you are going to be briefing us in Executive Session. I just thought it would be good to have as much public discussion about this item as is appropriate. So, I had some questions. I understand that you might say, "This is going to be discussed in Executive Session," but I would still like to put some things on the table.

Mr. Trask: Okay.

Councilmember Hooser: This item, is the item that stems from a year ago or more when Councilmember Bynum started looking into concerns about certain property owners not following the agricultural dedication laws and the Grading and Grubbing Ordinance.

(Councilmember Yukimura was noted as present.)

Councilmember Hooser: About a year ago, the Mayor acknowledged in writing, that these concerns were valid and warranted further looking into. Mona Clark, the Deputy County Attorney at that time, was assigned to investigate, and we are here a year later. My question is, will the County Attorney's Office be recommending because the Administration is the one who ultimately makes the decision, I guess, whether or not these investigations are going to be pursued or whether they are going to be dropped? That is the fundamental question. At some point, is that question going to be answered or are we just going to keep going another year having these meetings and that kind of thing?

Mr. Trask: So, your question is will...

Councilmember Hooser: I will restate the question.

Mr. Trask: Please do. Thank you.

Councilmember Hooser: The allegations are that three (3) specific Tax Map Keys (TMKs) have not complied with our agricultural dedication property tax laws and have not complied with the Grading and Grubbing Ordinance. That is what Councilmember Bynum raised and that is what Deputy County Attorney Mona Clark, I believe, was tasked with investigating. So, we have that investigation, which is being discussed in Executive Session, and we have all of the things that is on the public record.

(Councilmember Yukimura was noted as not present.)

Councilmember Hooser: At some point, I think the Administration or the County Attorney has to say, "These concerns are valid and we are going to pursue them and collect the significant amounts of money that are alleged to be owed" or they are going to say, "They are not valid and we are not going to pursue it." When will that decision be made? It has been a year. We have the statute of limitations running and we have County employees who are no longer employed by the County. I just need to know if a decision has to be made or is it just going to linger.

Mr. Trask: Well, my understanding is that at the last Executive Session, this was posted two (2) weeks ago, I believe. We were prepared to discuss those matters at that time. It has been deferred to today. We are prepared to discuss that today. You are right. The directive is to be made by the Administration. I believe that will also be discussed today, but I cannot say for sure. That is my impression.

Councilmember Hooser: Will the County Attorney's Office be making a recommendation to either pursue or not to pursue, and if so, when will that recommendation be made?

Mr. Trask: We will discuss that in Executive Session.

Councilmember Hooser: I do not need the details. I just need to know whether or not there will be a recommendation made.

Mr. Trask: This is an investigative proceeding, you are correct. There are allegations, you are correct. I think it is ill-advised to discuss any more than that on the open floor.

(Councilmember Yukimura was noted as present.)

Mr. Trask: I think if you want to seek enforcement on any law that this County has the ability to enforce, you should do so in Executive Session so as to not compromise your position in any enforcement action. Therefore, I am going to answer those questions to say, "We are going to go into Executive Session and discuss it." I also would like clear direction and clarity between both branches of government. I think that is well-advised. But beyond that, I will not put the client, body, corporate, or County at a disadvantage by discussing these matters at this time. I just ask you for your indulgence in that and we will talk in the back.

Councilmember Hooser: Okay.

Council Chair Rapozo: In Executive Session?

Mr. Trask: Correct.

Council Chair Rapozo: Yes.

Councilmember Hooser: Okay. Thank you.

Council Chair Rapozo: Thank you. Any further questions of the County Attorney? If not, thank you very much.

Mr. Trask: Thank you.

Council Chair Rapozo: The rules are still suspended. Let the record reflect there are no members of the public in the audience.

There being no objections, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call. Hang on. We need to get Arryl back in. Let us take the roll call on ES-792 and ES-793 right now.

Councilmember Kagawa moved to convene in Executive Session for ES-792 and ES-793, seconded by Councilmember Yukimura.

The motion to convene in Executive Session for ES-792 and ES-793 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa, Kualī'i,	
	Yukimura, Rapozo	TOTAL – 6*,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Kaneshiro	TOTAL – 1.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kualī'i was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Five (5) ayes.

Council Chair Rapozo: Okay. Can we get Arryl back in?

(Councilmember Kaneshiro was noted as present.)

Council Chair Rapozo: Roll call on the remaining items.

Councilmember Kagawa moved to convene in Executive Session for ES-788, ES-789, ES-790, ES-791, and ES-794, seconded by Councilmember Yukimura, and carried by the following vote:

FOR EXECUTIVE SESSION:	Chock, Hooser, Kagawa,	
	Kaneshiro, Kualī'i, Yukimura,	
	Rapozo	TOTAL – 7*,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kuali'i was noted as silent (not present), but shall be recorded as an affirmative for the motion.)*

Ms. Fountain-Tanigawa: Six (6) ayes.

Council Chair Rapozo: Thank you. At this time, we will go straight to Executive Session. B.C., I cannot tell you how long it will be. I can say we will more than likely be at least an hour. I would say one (1) to two (2) hours. So, just hang loose. Recess into Executive Session.

There being no objections, the Council recessed at 8:20 a.m. to convene in Executive Session.

The meeting was called back to order at 11:57 a.m., and proceeded as follows:

(Councilmember Kuali'i was noted as present.)

(Councilmember Kaneshiro and Councilmember Yukimura were noted as not present.)

Council Chair Rapozo: Let us just start with the Communications, please.

COMMUNICATIONS:

C 2015-126 Communication (04/10/2015) from the County Attorney, requesting authorization to expend additional funds up to \$135,525 for Special Counsel's final billing for services rendered for Defendant County of Kaua'i in Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters.

C 2015-127 Communication (04/10/2015) from the County Attorney, requesting authorization to expend additional funds up to \$130,189 for Special Counsel's final billing for services rendered for Defendant Shaylene Iseri-Carvalho in Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters.

C 2015-128 Communication (04/10/2015) from the County Attorney, requesting authorization to expend additional funds up to \$56,480 for Special Counsel's final billing for services rendered for Defendant Sheilah Miyake in Tim Bynum vs. County of Kaua'i, et al., Civil No. 12-00523 RLP (U.S. District Court), and related matters.

Ms. Fountain-Tanigawa: Did you want them read for a deferral?

Councilmember Kagawa moved to defer C 2015-126, C 2015-127, and C 2015-128.

Council Chair Rapozo: Before we make the motion...

Councilmember Kagawa: Oh, sorry.

Councilmember Kagawa withdrew the motion to defer C 2015-126, C 2015-127, and C 2015-128.

Council Chair Rapozo: If there is anyone in the audience wishing to testify on C 2015-126, C 2015-127, or C 2015-128. This matter will be deferred for two (2) weeks. Any discussion? If not, Councilmember Kagawa.

Councilmember Kagawa moved to defer C 2015-126, C 2015-127, and C 2015-128, seconded by Councilmember Kualii, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kaneshiro and Councilmember Yukimura were noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-139 Communication (04/06/2015) from the Civil Defense Manager, requesting Council approval to accept a donation valued at \$30,512.30, of eight (8) mobile radios from the State of Hawai'i Department of Defense, for use by the Kaua'i Police Department: Councilmember Kualii moved to approve C 2015-139 with a thank-you letter to follow, seconded by Councilmember Chock.

(*Councilmember Yukimura was noted as present.*)

Council Chair Rapozo: Moved and seconded. Any discussion? Any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: Did you finish the minutes?

Council Chair Rapozo: The minutes we did before we went into Executive Session.

Councilmember Yukimura: Okay. I need to ask for a reconsideration on one. I will do that later.

Council Chair Rapozo: Any further discussion?

The motion to approve C 2015-139 with a thank-you letter to follow was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kaneshiro was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Next item, please. Oh, I am sorry. Is Arryl here? Let us just continue. We are at C 2015-140.

C 2015-140 Communication (04/10/2015) from the Fire Chief, requesting Council approval to accept a donation valued at \$14,210, of Olukai footwear (slippers and shoes) from the Hawai'i Lifeguard Association, for the purpose of providing effective foot protection for the Ocean Safety Bureau personnel while performing

Water Safety related duties: Councilmember Kuali'i moved to approve C 2015-140 with a thank-you letter to follow, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-140 with a thank-you letter to follow was then put, and unanimously carried (*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kaneshiro was noted as silent (not present), but shall be recorded as an affirmative for the motion.*)

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-141 Communication (04/20/2015) from the Director of Finance, transmitting for Council information, the Period 9 Financial Reports – Detailed Budget Reports, Statements of Revenues (Estimated and Actual), Statements of Expenditures and Encumbrances, and Revenue Reports as of March 31, 2015, pursuant to Section 21 of Ordinance No. B-2014-781, relating to the Operating Budget of the County of Kaua'i for the Fiscal Year 2014-2015.

(*Councilmember Kaneshiro was noted as present.*)

Councilmember Kuali'i moved to receive C 2015-141 for the record, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2015-141 for the record was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-142 Communication from the Housing Director, requesting Council approval for the following:

1. Acquisition under the County's Community Development Block Grant (CDBG) Program of a residential unit at 1620 Papau Place, Kapa'a, Kaua'i, Hawai'i, 96746 TMK: (4) 4-6-038-069, for a purchase price of not more than \$395,000, based on the fee simple market appraisal which will be obtained through this transaction;

2. Resale of 1620 Papau Street, Kapa'a, Kaua'i, Hawai'i, 96746, by leasehold for not more than the leasehold market appraisal, which will be obtained through this transaction; and
3. Authorize the County Clerk to sign legal documents related to the acquisition and resale transactions.

Councilmember Yukimura moved to approve C 2015-142, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-142 was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

C 2015-143 Communication (04/21/2015) from the Chief of Police, requesting Council approval to accept and expend grant funds in the amount of \$9,693.11 which is appropriated by the United States Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Grant Funding Program for the Fiscal Year 2014, and a local matching amount of at least 50% from the Kaua'i Police Department (Account No. 001-1003-551.65-00, Collective Bargaining) for the acquisition of bulletproof (protective) vests and related accessories to be utilized by officers of the Kaua'i Police Department: Councilmember Kagawa moved to approve C 2015-143, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you. Any discussion? Councilmember Yukimura.

Councilmember Yukimura: I just want to get assurance that they do not need this money in collective bargaining for other things.

Council Chair Rapozo: Well, I believe the vests are collective bargaining issue.

Councilmember Yukimura: Oh.

Council Chair Rapozo: It is a requirement under collective bargaining.

Councilmember Yukimura: Okay.

Council Chair Rapozo: So, it will be used for collective bargaining.

Councilmember Yukimura: I see. Thank you. That is all I need.

Council Chair Rapozo: Thank you. Any further discussion?

The motion to approve C 2015-143 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-144 Communication (04/21/2015) from the Chief of Police, requesting Council approval to purchase Modular Office Space & Furniture, valued at approximately \$92,000, to be purchased with unexpended funds from Account No. 001-1001-551.89-06, Public Safety Equipment, to create office space in an underutilized portion of the Investigative Services Bureau for the Crime Scene Specialists: Councilmember Yukimura moved to approve C 2015-144, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? Any public testimony? Councilmember Chock.

Councilmember Chock: Thank you, Chair. I just had a question because it references this funding coming from unexpended funds from an account. I just wanted to see if you might have further explanation about the account.

Council Chair Rapozo: Okay.

There being no objections, the rules were suspended.

ROBERT GAUSEPOHL, Police Lieutenant: Good afternoon. Robert Gausepohl, for the record. I am sorry. What is the question again?

Councilmember Chock: Can you reference the account? It is referenced here, the ninety-two thousand dollars (\$92,000), Public Safety Equipment. Where does it come from? What is it about? Perhaps how much do you have in the account?

Mr. Gausepohl: Actually, we went through our budget with a fine-toothed comb and tried to save money in every part of it. This is a collection of different accounts that we put together so that we could get the office space that we need. Right now, it is an open area in Investigative Services Bureau (ISB). The intent is to create modular office space following your lead, actually. We saw the modular over here. It is an economical and viable way to do that. Again, we are trying to save money while getting our needs met as far as office space.

Councilmember Chock: I just wanted to clarify it. So, what you did is you took unexpended funds from special projects, lease equipment, collective bargaining, and put it into this one (1) account that is referenced here?

Mr. Gausepohl: Correct. Yes.

Councilmember Chock: It was unclear for me just because of the number. Thank you for mentioning it.

Council Chair Rapozo: Any further questions? Thank you very much.

Mr. Gausepohl: Thank you.

Council Chair Rapozo: The rules are still suspended. Anybody wishing to testify?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Further discussion?

The motion to approve C 2015-144 was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

C 2015-145 Communication (04/22/2015) from the Prosecuting Attorney, requesting Council approval to apply for, receive, and expend Federal funds in the amount of \$210,836, and approval to indemnify the State of Hawai'i, Department of the Attorney General, for the Kaua'i Victim of Crime Act Expansion Project 13-VA-3 for the period of July 1, 2015 through June 30, 2016: Councilmember Kagawa moved to approve C 2015-145.

Councilmember Kualii: Mr. Chair.

Council Chair Rapozo: Yes.

Councilmember Kualii: I need to recuse myself. I see in part of this grant there is a small amount that is written as a line item for consulting with the YWCA, which is my employer.

Council Chair Rapozo: Okay.

(Councilmember Kualii was noted as recused.)

Councilmember Kaneshiro seconded the motion to approve C 2015-145.

Council Chair Rapozo: Thank you. Any further discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2015-145 was then put, and carried by a vote of 6:0:0:1
(Councilmember Kualii was recused.)

Council Chair Rapozo: Motion carried. Next item, please. Please call him back.

C 2015-146 Communication (04/24/2015) from the County Engineer, requesting Council approval to apply for, receive, and expend United States Department of Transportation (USDOT) Transportation Investment Generating Economic Recovery (TIGER) Grant funding for the Lihu'e Town Core Mobility and Revitalization project, and indemnify United States Department of Transportation Federal Highway Administration and Hawai'i Department of Transportation, if awarded.

(Councilmember Kualii was noted as present.)

Councilmember Kualii moved to approve C 2015-146, seconded by Councilmember Yukimura.

Council Chair Rapozo: Any discussion? Councilmember Yukimura.

Councilmember Yukimura: I have a question, but I do not see anybody here who can answer it right now.

Council Chair Rapozo: JoAnn, I am sorry. Go ahead. What was that?

Councilmember Yukimura: I just said I have a question about the grant, but I do not see anybody here.

Council Chair Rapozo: Yvette just told me they have a PowerPoint presentation. I am not sure if we need a PowerPoint presentation. We can have them here to answer any questions.

Councilmember Yukimura: Yes.

Council Chair Rapozo: I do not want to go into a whole presentation on the Lihu'e Core Project for an application for a TIGER grant, but we can wait for them.

Councilmember Yukimura: I just have a question.

Council Chair Rapozo: That is fine. We do not need to spend an hour or half an hour on a presentation. Councilmember Kagawa.

Councilmember Kagawa: Yes. My suggestion is that we have a lot of hot topics on today's agenda. So, I would recommend that if we want to see that presentation, that we refer it to Committee. I think that is better use of our Committee Meetings. Thank you.

Council Chair Rapozo: I would agree.

Councilmember Yukimura: Mr. Chair?

Council Chair Rapozo: Yes.

Councilmember Yukimura: Without them here, I think there is a grant application deadline. So, we just need to be cognizant of that. Rather than act before we have them before us, I would like to have them come here and then we can decide whether we want to put it in Committee or not.

Council Chair Rapozo: Okay. They are on their way. So, let us take the next item. The deadline is June 5th for the application.

Councilmember Yukimura: Yes.

There being no objections, C 2015-147 was taken out of order.

CLAIM:

C 2015-147 Communication (04/15/2015) from the Deputy County Clerk, transmitting a claim filed against the County of Kaua'i by Silvie Spackova, for the loss of their personal items, pursuant to Section 23.06, Charter of the County of Kaua'i: Councilmember Kualii moved to refer C 2015-147 to the County Attorney's Office for disposition and/or report back to the Council, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2015-147 to the County Attorney's Office for disposition and/or report back to the Council was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

COMMITTEE REPORTS:PLANNING COMMITTEE:

A report (No. CR-PL 2015-10) submitted by the Planning Committee, recommending that the following be Approved on second and final reading:

"Bill No. 2585 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND,"

Councilmember Chock moved for approval of the report, seconded by Councilmember Kualii.

Council Chair Rapozo: Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Next item, please.

ECONOMIC DEVELOPMENT & INTERGOVERNMENTAL RELATIONS COMMITTEE:

A report (No. CR-EDIR 2015-03) submitted by the Economic Development & Intergovernmental Relations Committee, recommending that the following be Received for the Record:

“EDIR 2015-01 Communication (12/17/2014) from Committee Chair Kualii, requesting the presence of the Director of Economic Development, to provide an update on the proposed operations of the Kilauea Agricultural Center,”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Chock.

Council Chair Rapozo: Thank you. Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Motion carried. Next item, please.

BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2015-17) submitted by the Budget & Finance Committee, recommending that the following be Approved on second and final reading:

“Bill No. 2584 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Re-instate Credit Union Exemption*),”

Councilmember Kualii moved for approval of the report, seconded by Councilmember Chock, and unanimously carried.

Council Chair Rapozo: Thank you. Any discussion? Public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and unanimously carried.

Council Chair Rapozo: Thank you. Next item, please. Hold on.
Councilmember Kagawa.

Councilmember Kagawa: Can I ask that we take up the Bills for Second Reading before the Resolutions, if that is okay with the Council? My suggestion is that we take Bills for Second Reading before Resolutions because I do not see any problem with the Credit Union Exemption, and the Public Access, Open Space, Natural Resources Fund, we have people here that have been waiting here from the morning. I just feel like it would be nice of us to just take up that item and then head for lunch.

Council Chair Rapozo: I have no objection to that, if everyone is okay with that. I know Councilmember Yukimura, you may have told someone to come back in the afternoon.

Councilmember Kagawa: Oh.

Council Chair Rapozo: So, what we will do is we can take the testimony of the public that is here and then just recess until after lunch to make sure we catch everybody that is here to testify.

Councilmember Yukimura: Thank you.

Councilmember Kagawa: Great idea. Thank you, Chair.

Council Chair Rapozo: Thank you. Let us start with the Bills for Second Reading.

There being no objections, the Bills for Second Reading were taken out of order.

BILLS FOR SECOND READING:

Bill No. 2584 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 5A, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO REAL PROPERTY TAXES (*Re-instate Credit Union Exemption*): Councilmember Kualii moved for adoption of Bill No. 2584, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Kagawa.

Council Chair Rapozo: Thank you. Any discussion? Well, let us start with public testimony. This is the Credit Union Tax Bill.

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Discussion?

Councilmember Kagawa: Yes.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. I want to thank the members of the credit unions for again, making a strong showing. I would also like to thank fellow Councilmembers for supporting the credit unions as well knowing that it was not really about that money. I think they just wanted equal treatment among other credit unions in the State. So, I just want to thank them. I know Councilmembers have reservations being that there were studies done with the Cost Control Commission and there was a beautiful big building built by Kauai Community Federal Credit Union (KCFCU) at Kukui Grove. But nonetheless, I think we all realize that credit unions should be treated as other credit unions in the rest of the State. I thank the Council for supporting this.

Council Chair Rapozo: Anyone else? Councilmember Hooser.

Councilmember Hooser: Chair, I am going to be supporting this. I do want to point out though, that we have been talking a whole lot about tax reform and about fixing the system. This is another piecemeal effort, in my opinion, and I will support because I want to support reducing people's taxes. I would also like to support reducing small business taxes and all kinds of other taxes. I think the way to go about it is a comprehensive review. The budget tax rates are going to be coming up and right now, it is projected to raise taxes. Taxes will go up for residents. I believe the memorandum (memo) I got was something like thirty thousand (30,000) properties would have their taxes going up. I think we need to look at the big picture. You look at your tax bill and there must be twenty (20) different exemptions on the back and different people paying different things. While I do not think this is the right approach to do it piece by piece like this, I do believe that we should reduce the taxes of as many taxpayers as possible. Thank you.

Council Chair Rapozo: Thank you. Any further discussion? If not, roll call.

The motion for adoption of Bill No. 2584, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro,	
	Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Thank you. Can we go back to C 2015-146, please? I see the Administration here. If you could come up. JoAnn has a question and hopefully we can get through this in the next two (2) minutes. We are back at C 2015-146.

There being no objections, the rules were suspended.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Thank you. I was going to say good morning, but good afternoon. This is about the TIGER grant application. I want to begin by commending you for going through all of the work. I know it is a lot of work to go for these grants. I have heard about it during many Smart Growth conferences, and I am really pleased that Kaua'i is moving to access some of these funds. I think this project is good. You may have been coming over while we stated that we are not really interested in seeing the PowerPoint unless this matter is referred to Committee. But then there is the issue of your grant deadline. I would like to know first of all, whether you feel it would be comfortable to defer this matter by referring to Committee or whether it would be your preference to get it approve today.

LYLE TABATA, Deputy County Engineer: Thank you, Councilmember. Lyle Tabata, Deputy County Engineer, for the record. Our previous attempt to come for approval for a grant, we were late. This time we are here early. It is not an issue right now for us to gain approval today, but we would like to get approval. However, if we are referred to Committee, we are okay with that.

Councilmember Yukimura: Okay. Very good. Thank you. I have one (1) question in looking at your coversheet. The primary selection criteria for this competitive grant is State of Good Repair, Economic Competitiveness, Quality of Life, Environmental Sustainability, and Safety. I wondered if you could explain State of Good Repair.

Mr. Tabata: I will defer to Lee Steinmetz, who is writing the project details. We are coming in early, as we stated, and what we have presented to you is a draft. We are working on the details for the final application because we wanted to get here timely. I will defer to Lee to give you the exact details of the project that we have to-date.

Councilmember Yukimura: Thank you.

LEE STEINMETZ, Transportation Planner: Thank you, Lyle. My name is Lee Steinmetz. I am the Transportation Planner with the County. Good afternoon. To answer your question about what the State of Good Repair means, that had multiple meanings, actually, and there are sub-criteria associated with that. One of the most obvious and the one that comes to mind the most is just the condition of the roadways. So, roadways that have serious problems in terms of potholes and that kind of thing. If through this project, we are improving the condition of the roadways, that would be looking at State of Good Repair, or using better materials, for example. That would be another example. So that the long term maintenance can be reduced. Another part of State of Good Repair can be if we are adding facilities that do not exist now. For example, on several components of this project we are adding sidewalks or bicycle and pedestrian facilities. So, if we are adding those facilities, we are also improving the State of Good Repair for those users. So, that also counts as part of that criteria.

Councilmember Yukimura: Okay. Thank you. I could go on, but I think...

Council Chair Rapozo: If you are going to go on, then we are going to refer it to Committee.

Councilmember Yukimura: Yes.

Council Chair Rapozo: It is your call. I really appreciate when you folks send over the information to back up the grant application, which is what you did.

Mr. Tabata: Thank you.

Council Chair Rapozo: It gives us a really good opportunity to review it. I do not have any questions. I mean, the TIGER grant is a great resource for many municipalities and it is very competitive as well. I appreciate the early request and I wish you folks the best of luck getting that thing awarded. I am fine, but if the other members want to hear more of the grant, we can refer this to the Committee. Councilmember Kagawa.

Councilmember Kagawa: I want to see the PowerPoint. I think it would be good, but can we just approve it today knowing that we all support going after these grant moneys to accomplish this task? I do not know. We could put up another communication or what have you to go over the PowerPoint as to what would happen when we receive the grant, hopefully. I do not know.

Mr. Tabata: Thank you, Councilmember. We can set that up. There are more details that we are working on for the final application. Right now what you have is pretty much the details for the pre-application.

Councilmember Kagawa: Okay.

Mr. Tabata: When the final is completed and we have our "I's" dotted and our "T's" crossed more accurately, we could probably set up a workshop to show you what we are applying for. There is a prioritizing process also.

Councilmember Kagawa: I guess what I would like is maybe not a workshop, but just...

Councilmember Yukimura: A briefing.

Councilmember Kagawa: ...do it as soon as possible and get the full presentation ready...

Mr. Tabata: Okay.

Councilmember Kagawa: ...of the final version, and let us have it in Committee either in Public Works / Parks & Recreation or Planning, I would say.

Mr. Tabata: That works.

Councilmember Kagawa: We would give you half an hour or an hour. Whatever you need. I want the whole public to see it, not just individual Councilmembers.

Mr. Tabata: Okay.

Councilmember Kagawa: Thank you. Thank you, Chair.

Council Chair Rapozo: Perfect. Any more questions? If not, thank you very much. Any public testimony?

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Go ahead, Councilmember Yukimura.

Councilmember Yukimura: I guess there is a motion to approve on the table.

Council Chair Rapozo: Yes, there is.

Councilmember Yukimura: I think that is a good idea to have them come back when things are finalized for a full briefing would be excellent.

Council Chair Rapozo: Yes. That is what we will do. Any other discussion?

The motion to approve C 2015-146 was then put, and unanimously carried.

Council Chair Rapozo: Thank you. Thank you very much. We will go back to the next item, Madame Clerk.

Ms. Fountain-Tanigawa: This is on page 5, Council Chair. Bills for Second Reading.

Bill No. 2585 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND: Councilmember Kuali'i moved for adoption of Bill No. 2585, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: Yes. I just wanted to say that I have a brief presentation, which I can make after lunch.

Council Chair Rapozo: Okay. What I want to do is I want to get all testimony of the public that is here today so that we can respect your time as well and you have been here all day. So, we will take your public testimony, then we will break for lunch, when we come back we will take care of the 1:30 p.m. items that are scheduled, and then we will come back to this item. Councilmember Yukimura, we can open up with your presentation and we will proceed. Councilmember Kagawa.

Councilmember Kagawa: If I can provide further direction, since we will be taking this item back after 1:30 p.m., if members of the public wish to attend that session and watch the actual voting on that issue, then perhaps it would be in their best interest to wait to speak after lunch. But for those like I know sometimes, Branch, had to leave early and he had another appointment. That is why we are taking up this item now so that if you do not plan on coming back after 1:30 p.m., at least we can hear the *mana'o* you have to share right now. Thank you.

Councilmember Yukimura: Very nice.

Council Chair Rapozo: Okay. Alright. I will suspend the rules with no objections. Do we have anyone signed up?

Ms. Fountain-Tanigawa: We have no registered speakers at this point.

Council Chair Rapozo: No registered speakers. The only thing I would ask if there is anyone that is not coming back at 1:30 p.m., then you come up first.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Just state your name for the record for our captioner, and you can proceed.

MAKA'ALA KA'AUMOANA: *Aloha.* I am Maka'ala Ka'aumoana. I am testifying today on behalf of the Hanalei Watershed Hui. *Mahalo* for this opportunity to testify now and not hang the day. I do have a couple of day jobs. *Mahalo* for that. *Aloha* Chair Rapozo and Councilmembers. I offer testimony today on your bill to reduce the contribution to the Open Space Fund from our real property taxes from

one point five percent (1.5%) to point five percent (0.5%). The Hanalei Watershed Hui implements a community authored Watershed Action Plan and the Hanalei to Hā'ena Disaster Resilience Plan. It is in this context that we testify against the bill to reduce our capacity to obtain open spaces on Kaua'i. We share the concern for fiscal frugality and as a small community based non-profit, we understand the economic pressures all too well. However, this approach to saving money is short-sighted. Preserving open spaces and view planes is not a luxury we hold for a time when we are flushed. It is a priority that must be funded even in the lean times. The places we are able to preserve with this funding provide required respite and access for just those folks who are feeling the stress of too many people, no place to park, disappearing accesses and views, and no space to catch our breath. The pressures of being a destination resort and the sequestration of the rich and famous of our communities is already palpable. In my own family, the *kupuna* area reluctant to join family gatherings in public places because so many eyes are on them. It is uncomfortable. In many of our neighborhoods, it is hard to find a place to "look the ocean." We need open spaces to be who we are. If not, we forget where we are. Open space is as an important service to our people as any other the County provides, maybe more. Once protected, it is forever. Not many things you do are forever. The value of open space is right up there with healthcare and retirement. If you fund the County employee retirement fund but our retirees cannot access their places expect those were every tourist is, what have you saved? Where do our *kupuna* go to spend their Hawaiian time? Walmart? Cutting the open space funding is not the *pono* solution to your budget challenges. It is short-sighted and will have many unintended consequences. *Me ka pono.*

Council Chair Rapozo:

Thank you. Next.

KALANIKUMAI KAMAKAULIULI 'O NA ALI'I HANO HANO: *Aloha 'auinalā.* Good afternoon. From Kōloa, my name is Kalanikumai Kamakauliuli 'O Na Ali'i Hanohano, commonly known as Branch Harmony. I do represent Hui Hanai I Ka Honua La'a, Nurtures of Sacred Space, and I am a volunteer steward of the Kōloa *moku*. From our *'ōlelo no'ēau*, translated as the land is chief to the man. Man is subjected to the land because man can replenish and propagate. The land cannot. If you do this action, I believe it is a betrayal of the public trust. I beg you to please defer this and think about it more. In 2002, seventy-three percent (73%) of the voters mandated a minimum of a point five percent (0.5%) of real property assessments be allocated to the Open Space Fund intended to ensure quality of life, appreciation, and urban planning; and acquisition and dedication of open space, public areas for community use. It is not a luxury. It is essential to humanity and urban planning. To reduce or raid this fund for the County operating budget is theft from the public trust. The public, I am sure, will view this negatively for a long time. We worked for years to try to get this set up. The public came out for it. Yes, it is a minimum five percent (5%). The word "minimum" means that it was anticipated to increase and it stalled for years until 2012 when it was brought up to one and a half percent (1.5%). Then it started bringing in money when our economy improved. I know the County is struggling looking for ways to trim and gain revenues, but not to steal from the land. The land is above the people. Do not be persuaded to diminish this vision. It provides for our children and grandchildren to avoid squalled overcrowded worker tenement ghettos. Uphold the mandate of the public. This fund did not become viable until 2012. Now that it is generating funds, please, consider capping administrative salaries instead of raiding the fund. I am sure that people can get by with seventy thousand dollars (\$70,000) or seventy-five thousand dollars (\$75,000) a year for a year or two (2) instead of the land being robbed. Thank you.

Council Chair Rapozo: Thank you very much.

Mr. Hanohano: *Mahalo.*

Council Chair Rapozo: Thank you. Next speaker. After lunch? Okay. With that, we will recess until 1:30 p.m. or shortly thereafter where we will resume with our Resolutions, and then come back to this item. Thank you.

There being no objections, the Council recessed at 12:28 p.m.

The meeting was called back to order at 1:30 p.m., and proceeded as follows:

Council Chair Rapozo: Thank you everybody. Welcome back. We will call the meeting back to order. At this time, we will take up Resolution No. 2015-42. Could we have someone read that, please?

There being no objections, Resolution No. 2015-42 was taken out of order.

SCOTT K. SATO, Council Services Officer: We are on the middle of page 5.

RESOLUTIONS:

Resolution No. 2015-42 – RESOLUTION APPOINTING THE COUNTY CLERK OF THE COUNTY OF KAUAI: Councilmember Yukimura moved for adoption of Resolution No. 2015-42, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you. I know it is lengthy Resolution. Could you read it, please?

Mr. Sato: “BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUAI, STATE OF HAWAII:

SECTION 1. Appointment of the County Clerk.

Jade K. Fountain-Tanigawa is hereby appointed the County Clerk of the County of Kauai for the term that commenced December 1, 2014.

SECTION 2. This Resolution shall take effect upon its approval.”
Introduced by Mel Rapozo.

Council Chair Rapozo: Thank you. Discussion? Well, how about this? Public testimony?

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: Ricky, I was going to call you up anyway. So, I appreciate you coming up.

RICKY WATANABE: I would just like to commend the Council...

Council Chair Rapozo: State your name for the record.

Mr. Watanabe: Ricky Watanabe. I commend the Council for their wisdom.

Council Chair Rapozo: The microphone.

Mr. Watanabe: It is on. In appointing Jade as the new County Clerk. I have great confidence that Jade will be very good at being the Clerk. We go back many years. So, I am proud to be here today. Thank you.

Council Chair Rapozo: Hold on Ricky, I am sure there are some comments for you as well. Councilmember Yukimura.

Councilmember Yukimura: Yes. I want to take the opportunity as we appoint Jade Tanigawa to thank you, Ricky, for your service to the County. How many years has it been?

Mr. Watanabe: Over thirty (30) years.

Councilmember Yukimura: Long dedicated service. We wish you well, and hope that will you enjoy your time of retirement.

Mr. Watanabe: Thank you.

Council Chair Rapozo: Anyone else? Councilmember Hooser.

Councilmember Hooser: Yes. I just want to add my thoughts to Ricky. Thank you very much for all the work you did. I worked with you fifteen (15) or sixteen (16) years ago, however, long that was, and then these last three (3) years. Most people do not understand what goes into the job of being the County Clerk. You have to work, and this goes for Jade too. That is one of the reasons I am happy supporting her. You have to work with seven (7) remarkably different individuals and maintain the trust of each of us. You have done that phenomenally. I appreciate that. We work on different things and privacy, confidentiality, and trust is important. It is probably the most important element. Thank you for maintaining that all of these years. Good luck in your future endeavors.

Mr. Watanabe: Thank you.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you, Chair. When I saw that this was the day we were going to appoint Jade, that is the first thing that came to my mind, is that during that time, I wanted to thank Ricky for all of his years of service to the County. Twenty (24) years ago, I worked here as well. I think my time with Ricky, for the six (6) years that I was here, I think the two of us more than anything, we just enjoyed a lot of laughs together because we both believe in good humor. Thank you for all of those times, Ricky, and you taught me a lot too], as well. I credit that with my current job here. Thanks to the experience that I gained and the things that you taught me about the budget. I am trying to carry that out here. I thank you for that. I wish you a happy retirement. Thank you.

Mr. Watanabe: Thank you, Vice Chair.

Council Chair Rapozo: Councilmember Chock and then Councilmember Kaneshiro.

Councilmember Chock: Thank you, Chair. Thank you, Ricky, for all of your years of service. It was not too long ago we were going over your performance report and you talked about something that I thought really stood out in terms of your personality and how you lead. That is that you like to allow people the freedom to thrive. I think that is shown through who we have as the next choice for our Director here. So, I just want to thank you for being who you are and I hope you enjoy a much deserved retirement.

Mr. Watanabe: Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: Yes. I just wanted to say, I have known you my entire life. I finally got into Council, I was excited to work with you, and I appreciate the time I have spent with you. I am just going to thank you because I am going to send you a list of things to do. I know you are retired so you will probably have a lot of free time. So, I will give you a list of things to do. In reality, I just want to thank you and appreciate you for who you are and just being a great resource to me. Any time I need to talk, I can call you, and I probably will still call you. I want to wish you the best on your retirement, and thank you for all your service.

Mr. Watanabe: Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Aloha Ricky. I too, just want to chime in and say *mahalo nui loa* from bottom of my heart. With Peter Nakamura before you and with you, both of you were always so easy to talk to and you were always there when I needed something. People do not see, I think, the support that a person in your position is to each of us and you help lift us up and help us do our jobs. We cannot say thank you enough. The County, thirty (30) years of service, that is amazing. You came right out of high school, right? We are excited and we are happy that what you have done will continue with Jade. *Mahalo*.

Mr. Watanabe: Thank you.

Council Chair Rapozo: Thank you. I wish I had known you were going to be here today. Anyway, I did not know. We have something set up for you later anyway. Thirty (30) plus years of service with the County. I think somebody mentioned earlier that nobody really understands the job of the County Clerk. I will say that even before I got elected my first term, you were very helpful to me as I was often times on that side, testifying. You were very open to providing me information even when it was not in agreement or concurrence of what the Council was debating at the time. You did not discriminate. Whatever we asked for, you provided. Then, I got elected and obviously, one of my mentors, my trainers from day one, trying to keep that wild stallion mellow was your job. I used to think "just get out of my way and let me do my work." In retrospect, I look back and I think, "Damn, I should have listened to Ricky a lot sooner." However, the point I wanted to make today and it filters down into today's Resolution as well is, I think you were the first County Clerk that was appointed after a very strict process that required a written test, a typing test, an interview, and writing samples. I mean, the County Clerk's position was

intended to be a political appointment. Basically, a majority of the Council got together, this happens everywhere, and whoever the majority likes would get appointed. You were the first one that really broke that mold and we put it out there. We had applicants from all over. We went through a process. Jade was actually one of applicants. Came in a close second. But my point is this, it was a competitive process and you were appointed not because the majority liked you, I think we did, but that was not the reason. The reason was because you came in number one after a very strict process. I want the public to understand that your appointment was not because of politics. It was because you deserved it and you were the best candidate for the job. I want to make sure that the public understands that. Of course, we thank you for your service, Ricky. A huge loss when we found out you were going to retire. But I believed that we did not need another process because Jade had already gone through the process, number one, and number two, she has been acting in the assistant capacity for a long time. I have absolutely no opposition obviously. When the Resolution was posted, no one complained and said, "No. Let us go through a process," which says a lot about you and it says a lot about Jade. Thank you, Ricky. Thank you for training the staff, allowing them to grow, and do what they need to do to expand their careers. You will be sorely missed. Thank you very much.

Mr. Watanabe: Thank you, Council Chair and Councilmembers for the kind words. I am sure you guys look forward to having Jade take over. Thank you very much.

Council Chair Rapozo: Thank you. Anyone else in the audience wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Discussion? Councilmember Yukimura.

Councilmember Yukimura: Yes. Well, there is no question that Jade Tanigawa is the best candidate to fill the vacancy left by Rick Watanabe. In many ways she has already been doing the work and doing it with such excellence. Her extensive experience, her highly-honed management skills, her vast knowledge of the County and its operations, and as Councilmember Hooser mentioned, her ability to handle many different personalities and demands really makes her the best candidate. I am very grateful that she is willing to do the job. As the Chair noted, we are deviating from the process that we established the last time there was a vacancy. He did a good job of describing what we went through to get to Rick Watanabe, and it is a real testimony to Rick that he went through the process and was chosen. That process really set again, as the Chair mentioned a new professional precedent for this Council that we did not do it through politics, but we went through the process and we were proud of it. I agree that in this case, we need to deviate from it, and as the Chair pointed out, we have in effect gone through it. But I think we want to say that we are doing this. It is a testimony to Rick's leadership that he allowed Jade to do her job and more so, the succession is so smooth. It is a testimony both to Rick and to Jade. In doing this, I think we are establishing another precedent because I believe this is the first woman County Clerk Kaua'i has had. Yes. Is that not great? I want to say that one of the most enlightening and satisfying parts of the new process was our interview with then candidate Rick Watanabe, who became County Clerk, because in his interview, Rick outlined his vision for Council Services and we were able to discuss our expectations and concerns. I would like to ask Chair Rapozo if we can schedule such a meeting with our new and already appointed Clerk

within the next six (6) weeks so that we might have a similar conversation with her and establish our mutual expectations and goals. I think it is very important to do this and I know it will set a good foundation as we move ahead. Thank you, Jade.

Council Chair Rapozo: Thank you. Councilmember Kagawa.

Councilmember Kagawa: Thank you. First of all, it is an easy choice for me. Jade has given me excellent support and assistance in all that I have been requesting since I had a chance to be on this Council. It is a very demanding time right now. The County is struggling with finances. There is lot of hot topics out there. I think this Council has taken them on and will continue to take them on. I think the public wants us to take it on and it is our job to take it on, even if it is State *kuleana*, Federal *kuleana*, or what have you. This is the venue that our constituents feel like they have a chance to speak and be heard. Again, she has delivered and it is an easy choice for me to deliver the County Clerk position back to her. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Hooser.

Councilmember Hooser: I want to add my support also. Both to Jade and to Rick, I think the real testament is in the staff itself, the work that gets done, and how smoothly this building runs in terms of staffing support. "The proof is in the pudding." We have all worked for different organizations and have been involved in things, which more often than not do not run as smoothly, especially when you have many different people. You have drama, you have problems, and balls get dropped, but rarely do we see that. I cannot remember seeing it here at all, actually. So, I think it is a testament to the staff. Well, drama on the Council, but not drama with the staff is my point. The workload that Jade and the staff carry is phenomenal. I might send Jade three (3) to twenty (20) E-mails in a day sometimes and then imagine multiplying that by seven (7) and then multiplying that by all the other people they deal with. Somehow she is able to manage that information and make it all work. I am very pleased to be able to offer my support and look forward to working with her in future. Thank you.

Council Chair Rapozo: Thank you, Councilmember Hooser. Anybody else? Alright. It is time for that roll call.

The motion for adoption of Resolution No. 2015-42 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Seven (7) ayes.

Council Chair Rapozo: Congratulations. At this time we are going to take a short recess while we do the swearing-in. Let us take as long as it takes. We are going to take a recess. We have to swear her in so she can become the official County Clerk. Thank you.

There being no objections, the Council recessed at 1:47 p.m.

The meeting was called back to order at 1:54 p.m., and proceeded as follows:

Council Chair Rapozo: One of the jobs or the tasks of the Clerk is to appoint a Deputy County Clerk. The public can be assured that she was not influenced by anyone on the Council. I made sure that Jade would have the sole authority to appoint whoever she wanted. She has made her selection and that will be her first administrative act to swear in the Deputy. So, we would like to do that at this point. Jade, if you could identify or announce your Deputy.

Ms. Fountain-Tanigawa: Yes. Thank you, Council Chair Rapozo. My Deputy...

Council Chair Rapozo: State your name for the record.

Ms. Fountain-Tanigawa: Jade Fountain-Tanigawa, County Clerk. My Deputy will be Scott Sato.

Council Chair Rapozo: Okay, Scott. Scott, why do you not go up next to Jade and she can swear you in real quick? Scott did not want to do this on camera. I am sorry. Scott just made eighteen (18) years old today.

(Scott K. Sato was sworn in as the Deputy County Clerk.)

Council Chair Rapozo: If we could have the both of you come up real quick, we will take a quick picture, and then we will get back to business. Thank you.

There being no objections, the Council recessed at 1:56 p.m.

The meeting was called back to order at 1:58 p.m., and proceeded as follows:

Council Chair Rapozo: We will resume where we left off, Ms. Clerk.

Resolution No. 2015-40 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO CIVIL SERVICE COMMISSION (*Jeffrey S. Iida*): Councilmember Kagawa moved for adoption of Resolution No. 2015-40, seconded by Councilmember Kualii.

Council Chair Rapozo: Thank you. Any discussion? Any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Roll call, please.

The motion for adoption of Resolution No. 2015-40 was then put, and carried by the following vote:

FOR ADOPTION:	Chock, Hooser, Kagawa, Kaneshiro, Kuali'i, Yukimura, Rapozo	TOTAL – 7,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Thank you. Can we go back to Bill No. 2585, please?

Bill No. 2585 – A BILL FOR AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 14, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE PUBLIC ACCESS, OPEN SPACE, NATURAL RESOURCES PRESERVATION FUND

Ms. Fountain-Tanigawa: Chair, we have three (3) registered speakers.

(Council Chair Rapozo was noted as not present.)

There being no objections, Council Chair Rapozo relinquished Chairmanship to Councilmember Kagawa.

Councilmember Kagawa: Hang on. Councilmember Yukimura.

Councilmember Yukimura: I did have a brief presentation that I wanted to make, and I think the Chair said I could do that.

Councilmember Kagawa: Well, I am the Chair now. You can.

Councilmember Yukimura: Thank you.

Councilmember Kagawa: Proceed. I am no longer the Chair, again.

(Council Chair Rapozo was noted as present.)

Councilmember Kagawa returned Chairmanship to Council Chair Rapozo.

Councilmember Yukimura: I am making a presentation. Thanks. Is that as bright as we can get it? Okay. At our Committee Meeting last week, Council Chair Rapozo opined that the main purpose of the Open Space Fund was public access and also mentioned that acquiring open space for parks was a little bit questionable because it would cost more money to develop and maintain. I want us to look closely at what the Charter says because this is what the people of Kaua'i voted for in terms of what we want these moneys to be used for. So, the Charter says that, "In adopting each fiscal years budget and capital program, the Council shall appropriate a minimum of one-half of one percent (0.5%) of the real property tax revenues to a fund known as the Public Access, Open Space, Natural Resources Preservation Fund." Below, it lists all of the purposes for which the fund can be used. Let us look at that. This was passed overwhelming in 2002, and the following purposes are: public outdoor recreation and education, including access to beaches and mountains;

preservation of historic or culturally important land areas and sites; protection of significant habitats or ecosystems; preserving forests, beaches, coastal areas, and agricultural lands; protecting watershed lands to preserve water quality and water supply; conserving land in order to reduce erosion, floods, landslides, and run-off; and improving disabled and public access to, and enjoyment of public lands and open spaces.

If we look at the Open Space Fund, this kind of Charter amendment has been passed in all Counties. You will see that in Hawai'i County, they have a two percent (2%) set aside, Maui has a one percent (1%) set aside, O'ahu has a point five percent (0.5%) set aside, and Kaua'i is proposing by this Bill No. 2585, to reduce the one and a half percent (1.5%) that we have right now to point five percent (0.5%). What we should notice is that while O'ahu is at point five percent (0.5%), look at the base. Oops, let me see here. Sorry. Where is the pointer? The base O'ahu has is one billion dollars (\$1,000,000,000) in real property tax. You will see it in the right hand column. The base we have is one hundred million dollars (\$100,000,000). So, they have a base that is far bigger and the five percent (5%) goes much further. As you can see, they generate with a point five percent (0.5%), five million dollars (\$5,000,000). We would be putting aside only five hundred thousand dollars (\$500,000).

Now, let us look at what we want to acquire and protect, potentially. We have recently heard that Waipā Foundation, which has been serving so many of our young people and preserving the culture, is coming in with one million seven hundred thousand dollars (\$1,700,000) acquisition for their fishpond and central piece of land in that *ahupua'a*. Nukumoi, which is next to Kāneiolouma, will require about three million dollars (\$3,000,000), two million six hundred thousand dollars (\$2,600,000). Anyway, these are estimates based on market values. The Hoban Public Access has been on the open space list for many years, and that is three million five hundred thousand dollars (\$3,500,000). Alekoko Fishpond, which is a huge cultural resource that needs to be protected and perpetuated, is one million dollars (\$1,000,000). Kekaha Oceanfront, there is a beach access piece that is one million dollars (\$1,000,000). Māhā'ulepū, that has been a *de facto* place of the heart forever, but is not permanently protected. Hanapēpē River Mouth is also a nineteen (19) acre piece that would be a really beautiful riverside ocean park. Black Pot expansion. There is one (1) more lot that yet has to be acquired. Po'ipū Beach Park, there is a lot that also could add to the expansion of the park. That is a total over thirty-one million dollars (\$31,000,000). What we have in the fund right now is just under five million dollars (\$5,000,000). So, you can see that the need is huge, and to just put aside five hundred dollars (\$500,000) a year will take us a long time to get there. For any one of these, it is going to take a lot. Our bargaining power also, is much better. Our credibility in negotiations is much better when we have money to back up. We have to put our money where our mouth is. That is it. Thank you.

Council Chair Rapozo: Thank you. Councilmember Kuali'i, question?

Councilmember Kuali'i: Yes. I am just wondering. Is this a typographical error (typo), Hanapēpē River Mouth, three thousand dollars (\$3,000)?

Councilmember Yukimura: No.

Councilmember Kuali'i: The third from the bottom?

Councilmember Yukimura: No.

Councilmember Kualii: Nineteen and a half (19.5) acres, conservation, three thousand dollars (\$3,000).

Councilmember Yukimura: That is what the real property tax value is. These are very conservative estimates. I think it is a flood area and it is conservation. So, it does not have a whole lot of value. But I do not know if you place it on the market, what it would actually go for. I think it is an area where the canoe clubs now keeps their canoes.

Councilmember Kualii: It just seems odd for that to be lumped in with the millions of dollars' worth of the need for the County to make that kind of investment. You are saying that is a good thing, but for three thousand dollars (\$3,000), let us just do it.

Councilmember Yukimura: Well, all of these have to be negotiated. There has to be a plan. There has to be a formal appraisal. You do not just go out and do it. But what this list was meant to show is there is a whole variety, and this is a partial list. We did not even know about Waipā and the opportunity for it until this year or maybe last year is when it came up because I think the foundation and the group there were trying for some other buyers and funders. But it is key properties and there probably are many more like that. But we need to have a fund that is growing. To say that we can find the money when the time comes, is not true if we cannot even find the money to do it every year. A little bit at a time.

Council Chair Rapozo: Councilmember Kagawa, question?

Councilmember Kagawa: Yes. I am looking at the slide where we compared the islands. It looks very impressive if you look at Hawai'i Island two percent (2%) contributing. I think we need an asterisk underneath all of the other islands except Kaua'i because they are short-funding their Employer-Union Health Benefits Trust Fund (EUTF) retirement fund. Kaua'i County, we are one hundred percent (100%) paying our retirement obligations whereas the Big Island, Maui, and O'ahu, they have neglected paying their one hundred percent (100%). They are paying the minimum twenty percent (20%) or what have you, and pushing that burden to their future taxpayers. I think if we are going compare apples and apples fine. But if we are going to compare apples and oranges, let us identify what is an orange and what is an apple.

Councilmember Yukimura: Well, each County has to set priorities. One of the ways we set priorities is by putting set asides to the things that are really important to us. I am very proud that we are funding our pension in full. That is a good best practice. I would say it is a good best practice to set aside moneys for open space as well because these opportunities, if we do not go for them when had they show up, sometimes can disappear forever.

Council Chair Rapozo: I just have a question. Where are we, the County, on any one of these parcels as far as acquiring them? I mean, aside from putting them on paper that it is available, and this is not estimated market value. You are saying this is County tax assessment value.

Councilmember Yukimura: That is correct.

Council Chair Rapozo: That is a big difference from market value.

Councilmember Yukimura: Yes, this is very conservative.

Council Chair Rapozo: This is very low. I guess my question is, where are we as it relates to acquiring any of these parcels? If you cannot answer, that is probably not for you. It is probably for Planning.

Councilmember Yukimura: I would say it should not affect how much we set aside.

Council Chair Rapozo: Well, that is your opinion. It does to me. You are putting money aside for what? I mean, some of these parcels, we should have already owned. We had the money in the fund. We had, and every year we get the report from Open Space. But what has the Administration done to move to acquiring these properties? Every year we wait, the price goes up.

Councilmember Yukimura: I agree that we should demand more action from the Administration. These can also be done by groups like the Hawaiian Island Land Trust, the Trust for Public Lands, Waipā, and even Kāneiolouma Heiau Hui or team. I believe they are all moving us toward that. It may be that the groundwork does not always show up right away, but it is happening and we need to have the moneys to purchase these properties.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: I want to support Councilmember Yukimura's basic position. I agree that the Administration's process is too slow to acquire these properties. We should move faster, but I do not believe reducing the fund is going to help us move faster. It will actually help us move slower. We have less money. There is tremendous opportunity right now. We could leverage these funds with the interest rates that are there. Real estate prices still have not accelerated. It is really a moment of opportunity here. I think Branch Harmony said it best in his testimony earlier today, that this is about our priorities and this priority is every bit as important as retirement and all of the other things that the County spends money on. This is the only thing that is going to be here one hundred (100) years from now. One hundred (100) years from now, these lands will still be public lands and all of these other things that we are paying for will just be gone. As the original introducer of the Charter Amendment that put this on the ballot and the people of Kaua'i so wisely voted for, I think that this would be doing us all a huge disservice and a disservice to the next generation, the generation after that, and after that. I think it behooves this Council to think long-term, think towards the future, and think about preserving that which is special to all of us. I just strongly encourage everyone to not support reducing this amount. Thank you.

Council Chair Rapozo: Any other discussion?

Councilmember Kagawa: I think we have got to realize and hopefully we will get some numbers from the Administration, but we have acquired a lot especially at Black Pot. We spent three million dollars (\$3,000,000) out of the fund for the Hodge property, Black Pot Beach expansion. We also spend five million dollars (\$5,000,000) of CIP park acquisition money for the Sheehan property, and that one is not even in our hands yet. Nobody is using that park because it is tied up in court right now. It is very dangerous when you go with eminent domain. You have

to make sure that you try and avoid going to court over it because in the end, you are going to end up spending a lot of money and nobody is going to be able to use it because it is tied up. We can say we are right today, but until a Judge formally declares it is ours, we will not be able to enjoy it. So, what is the sense of that? I would rather have peaceful negotiations even if we have to pay, instead of just getting into court. The point I am trying to make is that we have spent a lot on acquisitions. But there is also another part, is how do we balance our budget? Reducing it to five percent (5%) as the Mayor is asking us to consider, is following what was in the Charter. What the voters approved us, he is just asking us to go back down just for the time being not because it is not important, but because basically we are not sure how we sit currently, financially. The Mayor submitted a major budget of thirteen million five hundred thousand dollars (\$13,500,000) in surplus or in our savings, but yet we have eight million dollars (\$8,000,000) next year in unexpended salaries that need to be paid. You subtract that, you have five million five hundred thousand dollars (\$5,500,000). We are also hearing about costs that is going to come up with our new landfill, Ma'alo. We have many things, lawsuits that may come up, and to tie up that one million dollars (\$1,000,000) when we might be at a breakeven point in our budget, is scary. I do not budget my personal finances that way. I make sure I have a little bit in my savings just in case the pipes break at my house and I have to fix it. We cannot treatment our government's money like that also. We have got to make sure that we have some reserve. Surely, if I was on this Council, three (3) or four (4) Councils ago when we had fifty million dollars (\$50,000,000), I would be asking for two point five percent (2.5%) in the Open Space Fund. That is how important it is to me. But right now, we do not have that kind of surplus. What do we do? I say right now, we take the advice of the Mayor, let us make sure that we get to next year, and let us re-evaluate it next year. If next year our surplus improves and it shows that we can afford that extra one million dollars (\$1,000,000) to go into this very important purpose, I am all for it. But this is the first year in many years that our expenses is not larger than our revenues. I think it is the first year in history, I believe. Well, not in history, but for a while, the past twelve (12) years or so. So, let us celebrate that, that we are finally not spending more than we get and let us not try and spend this one million dollars (\$1,000,000) so we will go back to how we were before. Spending more than we have. Thank you, Chair.

Council Chair Rapozo:

Thank you. Councilmember Yukimura.

Councilmember Yukimura: Just to correct some things. When we condemn, we take possession immediately. So, we do have possession of the lands at Black Pot and we are embarking on a park planning process. However, I do not think that we want to start with a condemnation process and we did not in Hanalei. We tried to negotiate. We want to work with willing sellers wherever we can. That always has to be our first effort. I mean, just the testimony about how much we spent on Black Pot shows how much money we need for open space acquisition. Just putting aside five hundred thousand dollars (\$500,000) every year is not going to get us to the amounts that we need. We are trying to save money.

Council Chair Rapozo: Well, it also shows the ability for the County to move money when we need to, that all the money does not come from this fund. When an opportunity to purchase land comes up, there are opportunities through the Park Fund to fund the acquisition. So, it is not if we do not fund this account we cannot purchase land. I think that is erroneous, but anyway. What I will do, let us take public testimony at this point.

There being no objections, the rules were suspended to take public testimony.

Council Chair Rapozo: We will have opportunities for discussion later.

Ms. Fountain-Tanigawa: The first speaker is Sharon Goodwin, followed by Steven Yee.

Council Chair Rapozo: Sharon.

SHARON GOODWIN: Thank you. *Aloha* Chair and Councilmembers. I am happy you are all here today. For the record, I am Sharon Goodwin, a member of the Sierra Club. What I want to read to you has been composed by the Executive Committee of the Kaua'i Group of the Sierra Club. Their logo Mālama I Ka Honua, Cherish the Earth. This is regarding Bill No. 2585, cutting funding for the Public Access and Open Space Fund. The Kaua'i the Group of Sierra Club urges the County Council to reject Bill No. 2585, which could would cut the minimum funding level for the County's Public Access, Open Space, Natural Resources Preservation Fund by sixty-seven percent (67%). The fund is truly the people's fund as it was established by Kaua'i citizens to preserve important lands for their children and grandchildren. These are lands that will be critical to the livability of Kaua'i for future generations, coastal and agricultural lands, watersheds, ecosystems and the habitats they provide, cultural and historic sites, lands for outdoor recreation, and access to beaches and mountains. The fund is an important investment in Kaua'i's future generations, and it is an investment that cannot be postponed. The existing minimum funding level equal to only one point five percent (1.5%) of the County's real property tax revenue, is already insufficient to meet the many needs that the County has expressed. While cutting this already small funding level might appear to some to be penny-wise, it would in fact be "pound foolish." If Kaua'i real estate price were stable or declining, reducing the minimum funding for the fund would mean postponing any number of important acquisitions to some distant uncertain future. That is already bad enough. But the fact is the pressures to develop Kaua'i's remaining open spaces remain relentless and the real estate values for such lands are rising rapidly, even faster than the islandwide average. That means that reducing funding for the fund would guarantee that the County would fall further and further behind in its ability to preserve the lands that need to be preserved. The County Council should not delude itself thinking that it can cut the funding level today and catch-up in future years. It will clearly be impossible to catch-up because it is clear whatever might be barely affordable today, will be completely unaffordable tomorrow. The people of Kaua'i expressed their vision for the future when they approved the county charter amendment that established the fund.

Ms. Fountain-Tanigawa: Three (3) minutes.

Ms. Goodwin: Please do not allow County government to fail in its duties.

Council Chair Rapozo: That is your first three minutes.

Ms. Goodwin: Oh, okay.

Council Chair Rapozo: You can come back after we go around. Everybody gets their three (3) minutes.

Ms. Goodwin: Okay. This is my one (1) last sentence. Shall I just finish?

Council Chair Rapozo: If it is one (1) sentence, just finish up the sentence.

Ms. Goodwin: Okay. Please do not allow County government to fail in its duty to preserve or acquire the natural resources that are the most important legacy that the people of Kaua'i can leave to future generations.

Council Chair Rapozo: Thank you.

Ms. Goodwin: Thank you.

Council Chair Rapozo: Next speaker.

Ms. Fountain-Tanigawa: Next speaker is Steven Yee, followed by Carl Berg.

STEVEN YEE: My name is Steven Yee. I am Līhu'e resident and President of Mālama Hulē'ia. Mālama Hulē'ia is a grassroots community supported organization. We started out as part of the Kaiola Canoe Club and have just become our own 501(c)3 corporation with a board. We just hired an Executive Director and we are moving forward. I distributed a written statement, but I would like to just summarize what Mālama Hulē'ia is about and then I think it will become clear as to why we think this this Open Space Fund is so important and needs to be fully funded. We have been working for the past two (2) years on a demonstration site as part of the Kaiola Canoe Club. It is about two and a half (2½) acres. It adjoins the Niumalu Beach Park and the canoe club *hale*. It has been overgrown almost completely, with red mangrove, which an invasive species here in Hawai'i. We have labored with many volunteers to manually clear that land of the mangrove and other invasive plant species. We have been replanting with native vegetation. We are nearly complete with clearing that piece of land, which is public accreted land in front of what used to be the Niumalu Beach. We are nearly completed with that and we are turning our attention now to our primarily goal, which are to clear the mangrove along the Hulē'ia River all the way upstream for about two (2) miles and to clear Alekoko Fishpond of the mangroves, which is completely surrounding the fishpond, overgrown the fishpond wall, and it is slowly destroying that very precious cultural heritage.

Council Chair Rapozo: Mr. Yee, that is your first three (3) minutes.

Mr. Yee: Okay.

Council Chair Rapozo: You can come back and finish up after we go through our first round.

Mr. Yee: Thank you. I think you got the point though.

Council Chair Rapozo: Thank you.

Ms. Fountain-Tanigawa: The next speaker is Carl Berg, followed by Beryl Blaich.

CARL BERG: *Aloha* Councilmembers. My name is Carl Berg. I am speaking on behalf of myself today. But with full transparency, I am a member of Surfrider Foundation Kaua'i Chapter and we have submitted a letter condemning the reduction of funds for beach access, especially. I am also on the Executive Board of Mālama Hulē'ia. I am the next door neighbor of Steve and support Alekoko. The reason I came here today, I am in the capacity of a former member of State Legacy Land Commission. I was appointed for two (2) years, two (2) terms on that Commission, and then when my terms were up, the Governor even tried to extend me a little further until I was able to get off that responsibility. I wanted somebody to share in that. But it gave me a very good perspective of what is going on in the State and what is going on with County of Kaua'i in acquiring beach access, public parklands, cultural sites, et cetera. The graph that was put up there by Councilmember Yukimura showed that the County of Hawai'i with two percent (2%) put away four million eight hundred thirty thousand dollars (\$4,830,000). That was very impressive. We mentioned that they may not do their pension fund. But my perspective on that is looking at the past few years, is that the County of Hawai'i has gotten from the Legacy Land Commission over six million six hundred thousand dollars (\$6,600,000). They put up only one-third (1/3) of that money and they got the other two-thirds (2/3) from the Legacy Land Commission. What they were doing was a planned purchase and conservation easement of the entire coastal line from Kohala, Ka'awa, and Pao'o, and they saw that all of that land was going to be developed into estate homes and resorts, and that it was going to be lost forever. So, what I just mentioned, the six million five hundred thousand dollars (\$6,500,000) is just what County did. But then there are other private organizations like Mālama Māhā'ulepū, Mālama Hulē'ia, and Sierra Club. Other organizations that went in bought up other pieces of land for the Hawaiian Land Trust went in to protect that coastline. During my time on the Commission, I was fortunate to see the Hanalei property, the Hodge property come through. But that is the only property that this County has gone after the Legacy Land Commission moneys and been able to secure. It was really shameful. Why was my County not with my taxpayers' dollars, I am a property owner, why are we not protecting more and more of this? This has become very important to me more recently because my daughter and my two (2) grandsons moved here. So, I would like to really stress that I think it is the fiscal responsibility with the prices of land going up...

Council Chair Rapozo: Mr. Berg, that is your first three (3) minutes.

Mr. Berg: Thank you. That we should protect it. I will be able to answer questions later, if you would like.

Council Chair Rapozo: Thank you.

Mr. Berg: Thank you for the opportunity.

Ms. Fountain-Tanigawa: The next speaker is Beryl Blai, followed by Makoto Lane.

BERYL BLAIH: *Aloha* Councilmembers and *aloha* to each and every one of you. I am Beryl Blaih. I am speaking as an individual. I am on the Board of Mālama Māhā'ulepū and I had the privilege of being on the Open Space Commission and to be the Chair in the beginning of the Commission. I am not in support of Bill No. 2585. Really, it is because land preservation in Hawai'i and certainly here on Kaua'i is particularly challenging. Land here is limited, it is far more costly, it is deeply and vastly valued, and it is highly marketable. So, to be able

to act to acquire land and easements in the mutual benefit of the public and willing landowners, you have to be able to act rapidly. I want to emphasize "mutually beneficial." It is not just about can we serve the public? It is like can we serve the landowners who are willing? The kind of eminent domain we are dealing with at Black Pot is the least desirable and most costly. You are so right about that. Fundamentally, this means to participate in the real estate market, money has to be readily and rapidly available whether for purchase of an easement or very frequently as Carl said, to match and combine with other available funds. That is how it is usually done. Landowners can rarely wait for the next budget cycle to make a deal. That is why all over the nation, Counties with voter endorsement have established open space funds that are really a savings banks. They are really opportunities for emergencies, really, because each time something is available, it might not be on that list. It is something else coming up and we have to be ready with the funds, unfortunately. Kauai's open space program has developed slowly and steadily and it is true we started with that point five percent (0.5%), and that is what the voters approved. But I think we were a little naive. Right away the Open Space Commission said, "Wow, we are going to need more money in this fund and we recommended it every year, changes in the fund's allotment and also in other ways of leveraging the money." Those were all accomplished in 2012. That has been real great progress. I just want to say that I do agree that we are in a terrible crisis right now. I thought the key words that you used right now, Councilmember Kagawa, was "for the time being." Please, I want you to grapple with this and really think how you codify...your long-term objective is to sustain this fund at its present level and grow it. Thank you so very much.

Councilmember Kagawa: Thank you, Beryl, for your testimony. I was just wondering if your time on the Commission, and thank you for your service. Did the Commission, from the beginning, look at other ways of perhaps acquiring some of those accesses like Hoban? We look at the price and say, "Come on. It is a walkway and it is..."

Council Chair Rapozo: Point three (0.3) acres.

Councilmember Kagawa: Three million five hundred thousand dollars (\$3,500,000) for that walkway. I am thinking to myself, is there another way of the County acquiring this parcel? Say, we will exempt you from paying property taxes for the next twenty (20) years. Seriously, has the Commission looked at some of those alternatives rather than the County having to dish out that kind of cash for a walkway? It just seems really high. I think the property owner knows that they are either going to get illegal people crossing or they are really going to get a lot of hatred from the locals who went through there for all these years. What is your response?

Ms. Blaih: I think we did not talk about specific alternatives when I was on the Commission. But I think the longer the Commission has been going forward and obviously the clearer the challenges have become, the more they are as the Commission goes forward and clearer the challenges have become, the more there has been that kind of discussion. That is really good and important public discussion. One of the great things that the Commission can do now is sponsor educational forums. At the time I was on the Commission, it was not something that we could do. You could explore exactly that kind of technique. With Hoban, I have to tell you that we thought we could do it for less. We thought there was really readily available money for it. It is still very important and of course, it is kind of a lesson because if you cannot get in there right away, it is only going to get more expensive.

Councilmember Kagawa: Thank you.

Ms. Blaih: Thank you.

Council Chair Rapozo: Councilmember Kualii.

Councilmember Kualii: Hi Beryl.

Ms. Blaih: Hi.

Councilmember Kualii: If the original Charter amendment was passed in 2003 that established this floor at point five percent (0.5%) and you are on the Commission right then in the beginning?

Ms. Blaih: Well, it took us a couple of years to get organized. So, I do not think the Commission actually started until 2004.

Councilmember Kualii: But then you had stated in your remarks that you pretty much figured it out right way that it was not set at a level...

Ms. Blaih: We were putting in two hundred fifty thousand dollars (\$250,000).

Councilmember Kualii: So, then it took ten (10) years, and the only movement came from Council action.

Ms. Blaih: Well, actually, no. It grew to the point of one million dollars (\$1,000,000).

Councilmember Kualii: No, but the rate changing going from point five percent (0.5%), the floor.

Ms. Blaih: Yes.

Councilmember Kualii: Moving up from point five percent (0.5%) to one point five percent (1.5%).

Ms. Blaih: Yes.

Councilmember Kualii: But in those ten (10) years, and we have so many wonderful community organizations that are doing the stewardship work in different ways and some of them are doing it with little or no money to get us to the point where the sweat equity can be leveraged with grants and Federal money, State money, and County money; and we can achieve the things that we want to do. But it is hard for the Council because we are having to make the fiscal decisions.

Ms. Blaih: You are.

Councilmember Kualii: But if the voters dictated like they did in 2003, to move that point five percent (0.5%) to some higher-level, I think you all are in the position to move that. I would probably, as a citizen, work with you and help you. So, you have not done any of that as far as organizing the community to do yet another Charter Amendment to put the rate at the level that you originally thought it should have been, but it was set too low?

Ms. Blaih: Well, I want to tell you that the change came about as part of a process that was initiated by the Mayor. It was not just a single Councilmember saying, "I think this should be changed." What really happened is within the Commission, there were concerns about the effectiveness of the Commission and the program. We said, "There is a fund, but there is a program." Bless the Mayor. He got Nadine Nakamura on board before she was a Council person and he initiated the process that talked to all the Councilmembers.

(Councilmember Kagawa was noted as not present.)

Ms. Blaih: Nadine talked to all of the Councilmembers, talked to the administrative people, to the Open Space Commissioners, and everybody weighed in on aspects of the program that they thought could be improved. I really think that the one point five percent (1.5%) change kind of emerged from that process along with something else she pointed out, which is that it should not just be the County holding all of these lands and then responsible for maintaining all of these lands and finding additional staff. You have groups out there who are committed to this. The law got changed to kind of not to indicate, to stipulate, that it was possible for other groups to apply and other groups to manage.

Councilmember Kualii: Then the last thing along the lines I think you referred to Councilmember Kagawa's comments about "for now." I mean, you are now speaking about the Mayor and Nadine having supported this in 2012. Well, now in 2015, the Mayor is coming to us as a Council and he is actually reacting to the Council as well in last election where the people are stepping forward and saying, "First and foremost, we have to make those tough decisions, fiscally responsible decisions." Would you not trust the Mayor and this Council at some future point when we are able to get back to where they went in 2012 because you trusted them then?

Ms. Blaih: I trust you guys. But do you know what? It could be another Council. I would feel way better if you make some exact stipulations. If you are going to make a change, it is for this duration and then you review it and get to think about it again in the context because your tough decisions are now driven by the specific financial situation and nothing changes more than that picture. Two (2) things are certain. The land prices are going up and I know you feel the toughest of your decisions is going up.

Council Chair Rapozo: I think 2008/2009 is when the inversion of revenues and expenditures in the County changed. From 2008/2009 we started to spend more than we brought in and people are saying, "Enough of that, stop. Get us back in sync," and the Mayor has finally this year, the first year that the budget is coming over in balance. But it does not come without a cost. You have to find the money somewhere and the Mayor has said at this point that this is one of the sources. It is unfortunate. Or we can continue on the inverted scale, which would not be fiscally responsible either.

Ms. Blaih: I thank you for your work. But I do reiterate what has been said before. This is an investment as much as it is an expense.

Council Chair Rapozo: I do not disagree. Thank you.

Ms. Blaih: Thank you so much.

Council Chair Rapozo: Next.

Mr. Sato: Our last registered speaker is Makoto Lane.

MAKOTO LANE: Hi all. *Aloha*.

Council Chair Rapozo: *Aloha*.

Mr. Lane: My name is Makoto Lane. I live in Kōloa. It is an interesting time right now on Kauaʻi. We are at a crossroads. We are looking at developing huge parcels of the island. In fact, we are looking at doubling our population here. What I see going down right now at a significant rate, and all of you see it too, is a loss of culture. Menehune Market in Lāwaʻi, gone. Sueoka's, gone. No more snack shops. Now, Kukuiʻula Shopping Village has to compete with ABC Store right next door, and that is a loss of culture too. These are all experiences. I cannot go hiking at Kīpū Falls. I got turned away just the other day or a couple of weeks ago to go hiking at the Knudsen Pass Ridge over by the St. Matthew's Lutheran Church. They are blocking the way to Allerton Beach. I cannot go there. These all equate to experience that we have. That is what it is to live on Kauaʻi, along with these hikes. You have all experienced that. Since we are going to be doubling the population, doubling the hotel rooms, and doubling the houses, we should be doubling the protected open space as well. It is really irresponsible. It is a really positive thing to protect open space. All of you folks can put your names on it and in one hundred (100) years from now, somebody will know and respect you for that, to protect open space, the funds, and the money that go towards that. In conclusion, right now, I have a scientific study. The study scientifically links open space to quality of life. So, I will pass this out to you folks. I also E-mailed the article to all of you so you would have it. But again, if we are going to double the population, double the open space. Let us preserve the culture. Let us stop losing our culture. Thank you.

Council Chair Rapozo: Thank you. The staff will take it from you. Anyone else wishing to testify? Please.

TED BLAKE: Hello. My name is Ted Blake. I sit on the Public Access, Open Space, Natural Resources Preservation Fund Commission and a lot of the priorities I saw there, I have not even seen yet. It has never come up on our priorities. So, we are talking about a much broader list than what we have. The slide that Councilmember Yukimura put up that showed the different percentages that we have, we get a much smaller percentage than the rest of the Counties in State, but our land values go up at the same rate. So, we are behind the 8-ball all the way. I had a long talk with Councilmember Kaneshiro, who helped me get through the budget crisis that we are having. I sat in on a meeting that the Mayor put up, also. I know it is not easy. We have something to do. But open space is a part of our lives. Many things that we have now are being private property. You cannot get on there. Some of the access that we have, we have had fieldtrips to the west, from the Evans property to Salt Pond to Kāneiolouma to the Kōloa field system.

(Councilmember Kagawa was noted as present.)

Mr. Blake: On the east, we have gone to Pāpaʻa and Kahili fieldtrips. We have looked at the access, which looked great when I was younger. Now that I am old, I need 4-wheel shoes just to get down. How do you come back? That is ever present. I am looking at something that is saying, "How can we work with the County?" We want to reduce it to point five percent (5%). I do not hear anything about a sunset on this, whether it will be for two (2) years, one (1) year, or an option to renew, which to me, makes me feel more comfortable if it happens this

way. We five million dollars (\$5,000,000). Actually, four million nine hundred thirty-six thousand eight hundred sixty-eight dollars (\$4,936,868) in the fund. Maybe we have projects going on. Hoban, like you said. They know the County wants it and they are coming up with just a ridiculous price with saying, "You are stupid" or the other thing. What we have online right now that the documents that are being prepared by the County Attorney probably uses up about I would say, three million dollars (\$3,000,000), somewhere around there. I mentioned maybe the Public Access, Open Space, Natural Resources Preservation Fund Commission should loan you the one million dollars (\$1,000,000) this year. You do not have to reduce the price. Keep the one point five percent (1.5%), and then we can at least have some breathing room all the way around. Maybe next year, you take another one million dollars (\$1,000,000).

Council Chair Rapozo: Thank you. That is your first three (3) minutes. Let me see if we have anybody else. Did anybody else want to testify? You can come back on the second go around.

Mr. Blake: I am *pau* unless you have questions.

Council Chair Rapozo: No. Thank you.

TESSIE KINNAMAN: Good afternoon. Tessie Kinnaman, for the record. I would like the screen, please. Did I introduce myself already? Oh, yes. Anyway, I do not support Bill No. 2585 for all the reasons that everyone before me did express. I was really surprised with the slide that JoAnn put up, especially with Hoban. I have been pushing the Hoban property for years and the market value is up there. It said three...not market. I am sorry. Land value is three million five hundred thousand dollars (\$3,500,000). We are just asking for a strip. So, it is not three million five hundred thousand dollars (\$3,500,000). From the estimates that I came across at the Public Access, Open Space, Natural Resources Preservation Fund Commission meeting a few months ago, the property owners wanted six hundred sixty thousand dollars (\$660,000). The County assessment was one hundred thirteen thousand dollars (\$113,000). A year or two (2) before that, it was seventy-nine thousand dollars (\$79,000). I mean, that has been on the priority list for the past ten (10) years since almost the conception of the Public Access, Open Space, Natural Resources Preservation Fund Commission. As far as I know, documents have been sitting on the Mayor's desk and supposedly was carbon copy (CCed) to the Council. I do not know if you folks ever got any of that information. But I do not support reducing the fund at this time. I would like to read what has been passed out, a letter from Karma Lee Chirstensen-Knudsen to the Planning Department back in 2006 when there was this thing over Nukumoi wanting to build a miniature shopping center down there on that site. It says, "To the Kaua'i County Planning Department and Planning Commission, regarding honoring a promise to the King. Dear Planning Director and Commission of Kaua'i, this is a this is a letter of pure information I received from my husband, Valdemar L'Orange Knudsen, 1910 to 1990, who spoke to me numerous times concerning the property across from Po'ipū Beach Park, the acreage behind Brenneke's restaurant beyond Nukumoi gift shop. One hundred forty (140) years ago, my husband's grandfather, Valdemar Knudsen, known to the Hawaiians as Kanuka, purchased land from the King of Hawai'i at this time. The King said to Kanuka, "The Hawaiians are like children; however, there will come a time when they will come together in agreement and strength and until that time, this land was not to be sold or used for commercial use, only leased to non-profits. A promise was made with a handshake..."

Council Chair Rapozo: Tessie, I am sorry. I have to stop you there because that is your first three (3) minutes. Is there anyone else that wanted to testify that has not testified? Tessie, you will have to come back. First-time speakers.

RUPERT ROWE: Aloha Councilmembers. My name is Rupert Rowe. I am the *poʻo* of Hui Mālama O Kāneiolouma. Tessie was reading the letter to you folks, but I am against taking the one point five percent (1.5%) away because it would not give us the opportunity to go after this property. The time has come for us to look at the Open Space Fund today and make a serious decision on purchasing Nukumoi so that we will all be on the right track. Using this money, everything is timing. The timing is right to purchase Nukumoi. We have been following this open space from 2004. We has to *mālama* the *ʻāina*. By doing so, what you folks see down Poʻipū is what we are going to give the world, this island, and this State, a history of our past, a history of our future, and an understanding of our presence. So, I believe my presentation today, it is time to shake the open space money and let it trickle down to where it needs to be on purchasing Nukumoi so that Kāneiolouma will have a visitor, interpreter, and a cultural center. Everything is in the works. That whole area is zoned open public culture. We moved the State portion to the County. In 2010, the State transferred their share to the County. We worked on trying to purchase Nukumoi, but to get to Nukumoi, we had to clean the rest of the place so that everybody gets a visual of the property and understand the significance on purchasing since the money is there. I do not know what else to say, but this is my presentation from the *hui*. We do not support taking away the one point five percent (1.5%).

Council Chair Rapozo: Thank you. I have a question. Rupert, Kāneiolouma has received substantial funds from the County over the years.

Mr. Rowe: One (1) year.

Council Chair Rapozo: One (1) year, but multiple sources of revenue, and that is a good thing. My point is that, that money did not come from the Open Space Fund.

Mr. Rowe: No.

Council Chair Rapozo: The presentation was made to the County and the County agreed that, in fact, that resource needs to be pursued and that money was transferred from the Islandwide Agricultural Park System, four hundred thousand something dollars from the General Fund CIP in the tune of eight hundred five thousand dollars (\$805,000). My point is this, if the opportunity to purchase land or to provide funding for an attempt to protect the resource, the County has that ability. None of your money came from the Open Space Fund.

Mr. Rowe: I know that.

Council Chair Rapozo: I just want to make is that point because I think some of the testimonies I am hearing, the perception is that if we take it down to point five percent (0.5%), that we only have that money for open space preservation, and that is simply not true. Your project is a good example of that.

Mr. Rowe: The issue was not what you are saying to me right now. Why we got the money from the County was to protect the resource of the culture and the artifacts in the property.

Council Chair Rapozo: I agree.

Mr. Rowe: The eight hundred thousand dollars (\$800,000) went around and put the security wall so that the general public...

Council Chair Rapozo: Rupert, I am not questioning the money. I said, "It is a good thing that we did it." My point was we are not limited to any type of purchases of open space or preserving open space by the Open Space Fund.

Mr. Rowe: Okay.

Council Chair Rapozo: That is all I am trying to say.

Mr. Rowe: Okay. So, anyway can I say one more thing to you?

Council Chair Rapozo: Yes.

Mr. Rowe: That whole area was open public culture. That is the zoning for that whole parcel of land from Manakalanipo, Kāneiolouma, the State portion, and Nukumoi. All of these properties are zoned open public culture. So, why I wanted to go after the open space money is because of the interpretation of that word "open space." So, that is why I am here.

Council Chair Rapozo: I got it. Thank you very much.

Mr. Rowe: You are welcome.

Council Chair Rapozo: Anyone else wishing to testify for the first time that has not testified yet? Okay. Who wants to testify for a second time in the order that you spoke? So, I think Mr. Yee was first, right?

Mr. Yee: Thank you. I just wanted to finish up the story I was telling about Mālama Hulē'ia and where we are at. So, we are finishing up with our demonstration project and by the way, our mission is to eradicate red mangrove from the Hulē'ia. So, we are turning our attention from two and a half (2.5) acre piece of land to perhaps sixty (60) acres of mangrove growing on both sides of the Hulē'ia River and surrounding the Alekoko fishpond. This is going to take a lot more effort. What we have done is we have ramped up our organization and hired an Executive Director. We have just drafted a strategic plan and we will have two (2) community meetings to go over that strategic plan on how to tackle this sixty (60) acres of mangrove. We have just begun to contact landowners and among the first that we have contacted is the Okada family, the owners of Alekoko. It is just been so far a couple of tickler calls and they tickled us back. So, we are nowhere at a point of knowing what they will require to allow us to work on mangrove and we do not know yet what kind of partnership is possible. But our hope has been, all along, that we will be able to draw on the Open Space Fund of the County in some way to allow us access to that land, to the fishpond, and allow us to pursue our mission on Mālama Hulē'ia. That is why it is important for us to maintain the current level of funding for the Open Space Fund. Thank you.

Council Chair Rapozo: Thank you very much, Mr. Yee. Next.

Mr. Sato: Mr. Berg.

Mr. Berg: My name is Carl Berg. I am continuing. I think the one point that I would like to address is that the Open Space Committee, if we are using the short term, was specifically set up and funded for the purpose of preserving cultural sites, open spaces, beach accesses, et cetera. It is the one avenue within the County budget that is directed for that purpose. If you get rid of that fund or defund it, then we would have to go in and apply to the County in general, to convince them to take money from other resources to fund something or get moneys from places that are not directly and specifically directed towards open space preservation. I think what we should view this Open Space Fund as is a savings account that we do not necessarily need to draw on that every single year. I think the County has been remised on drawing on it. There has been plenty of opportunities. But it is a savings account that is giving us the potential to purchase lands that are already greatly increasing in price. You mentioned the dip in the budget earlier in 2009/2010. We see now the real estate prices are going back up again. Real estate is becoming less available. I think that now is the time. We really much act now to acquire these resources before yet another shopping center goes in or before you have another beach resort goes in. Something like that. So, I strongly support not passing Bill No. 2585, but rather maintain the level of funding as it is currently.

Council Chair Rapozo: Thank you. Next. Anyone else who wanted to speak again for a second time?

Mr. Lane: Makoto Lane, Kōloa. I just want to reiterate that this funding goes to protecting culture. So, anything against this account that goes towards accounting culture is against the Hawaiian culture and it is against the Kauaian lifestyle. That is just an ill-conceived idea, in my opinion. If we are going to double the population here on Kaua'i and if we are going to build twice as many houses, twice as many hotels, we need twice as many parks and we need twice as many walking trails. Not taking away. Not like closing Kīpū Falls, not like closing the Knudsen Pass Trail, and not like closing Allerton Beach. We need to protect these. We need to protect them. We need to keep them open and we need to open up more. When people live in a city or higher density areas, they need to get out. They do not have vacant lots next door that they can just hike to the jungle or whatever. They need protected and preserved trails and public spaces. Please, be for the Hawaiian culture, be for the Kauaian lifestyle, and vote against this Bill. Thank you.

Council Chair Rapozo: Hang on. Question, Councilmember Chock.

Councilmember Chock: Thank you, Makoto. Thank you for your testimony.

Mr. Lane: Yes, sir.

Councilmember Chock: I did receive that E-mail. I did not get to read the whole thing that you sent today. I thought it was interesting. I was wondering if you could help me understand more about it. In terms of understanding quality of life and the need to balance having these open spaces, is there any information because there is a lot of statistics in there, is it a population number based on how many acres we should be preserving? Is there a formula? I think the reason why I ask is one of the issues I think that we have been having with open space and we have not been able to move on is the vision is not clear about how many or which ones, one in each *moku*. I think that is the work that needs to happen for the Commission in order to be clear about what it is the prize is for us.

Mr. Lane: Yes.

Councilmember Chock: That was interesting that you send that. I just wanted to see if you had any more information that you can share publicly.

Mr. Lane: That paper that I passed out is really dense information. Like you said, a lot of statistics and things like that. I would have to go back through it and read it just to give you a specific idea or percentage or ratio of open space compared to developed space. Then prioritizing what properties you want to buy, I mean, that is a whole ball of wax in itself. It is like just prioritizing like you folks are doing right now. Prioritizing the budget. Obviously, within each community on the island there is going to be specific areas that are really choice and prime. One of them being Māhā'ulepū, I think, is prime for the whole island. Some will have higher priorities for locals and some will be a higher priorities for vacationers. That committee is going to work it. But it is really important not only to save this, but bump it up.

Council Chair Rapozo: Thank you.

Mr. Lane: Thank you.

Council Chair Rapozo: Anyone else wishing to testify? You had a question?

Councilmember Kuali'i: I wanted to ask a question of Mr. Yee actually.

Council Chair Rapozo: Oh.

Councilmember Kuali'i: If he can come back.

Council Chair Rapozo: Mr. Yee, would you come back up, please?

Councilmember Kuali'i: Is it Yee or Hee?

Council Chair Rapozo: Yee.

Councilmember Kuali'i: As you take your seat, I will just say when I was a toddler, our family used to come out of Kipukai Ranch and stay with families in Hulē'ia River. When I went to a recent commission on water resource management meetings, there was a young lady there talking about the Hulē'ia River and lack the water. When I look at this list that Councilmember Yukimura provided, when you were talking about Mālama Hulē'ia, you were also talking about Alekoko Fishpond. Then, I heard you talking about basic restoration and removing mangrove, which is all incredible work. I am always moved by people's willingness to get on the *āina* and *mālama*. In this list though, it lists Alekoko Fishpond has a one million dollars (\$1,000,000) budget for fifty-five (55) acres. Is this a project that is affiliated with Mālama Hulē'ia?

Mr. Yee: Yes.

Councilmember Kuali'i: Is that what you need? Do you need access to restore or do you need fifty-five (55) acres? I am wondering if this is not more the bullet under...because there are nine (9) purposes, right? The ninth purpose is

“conserving land for open space and scenic value.” Can we do it in a smaller way for a smaller amount? You are already putting in all the sweat equity.

Mr. Yee: Yes.

Councilmember Kualii: Clearly, we should support it.

Mr. Yee: Yes.

Councilmember Kualii: Why has it not moved? Are you on the list with the Open Space Commission?

Mr. Yee: I believe Alekoko has been on the list.

Councilmember Kualii: Alekoko, but what about Mālama Hulē‘ia and the specific restoration of mangrove removal?

Mr. Yee: No.

Councilmember Kualii: Okay.

Mr. Yee: But for us, Alekoko is integral to taking care of Hulē‘ia.

Councilmember Kualii: So, you see it as all or nothing?

Mr. Yee: Yes.

Councilmember Kualii: It is the whole pond, fifty-five (55) acres?

Mr. Yee: Yes.

Councilmember Kualii: Okay. Thank you.

Council Chair Rapozo: Thank you.

Mr. Yee: Can I say something more?

Council Chair Rapozo: If it pertains to the question that he asked you. Thank you. Anybody else wishing to testify?

Mr. Sato: We have one (1) registered speaker, Tek Nickerson.

Council Chair Rapozo: One (1) registered for this one? Okay.

TEK NICKERSON: Thank you, Council. My name is Tek Nickerson. I have been an Environmental Land Use Planner for forty-four (44) years. I got up to answer Mason Chock’s question about the ratio of open space to population. I was not prepared for this, but I can tell you that your Planning Division should be able to access that information very quickly, perhaps over the internet through the American Planning Association (APA). The American Planning Association, also known as APA. The answer of your question has been around for decades. Thank you very much.

Council Chair Rapozo: Thank you, sir. Question. Hang on Mr. Nickerson. Oh.

Councilmember Yukimura: I actually have a question of Mr. Yee.

Council Chair Rapozo: Mr. Yee. Please, if you folks have questions, ask them when they are here.

Councilmember Yukimura: I am sorry.

Council Chair Rapozo: Because it is not normal to bring the people back up. Mr. Yee, you have become the resident expert today. So, you have another opportunity.

Councilmember Yukimura: I want to know what you wanted to tell us.

Council Chair Rapozo: I am not going to allow. I am sorry Mr. Yee. I apologize. That is not an appropriate question.

Councilmember Yukimura: I think...

Council Chair Rapozo: Councilmember Yukimura, do not test that, please. I apologize.

Councilmember Yukimura: I think if we need more information and...

Council Chair Rapozo: Well, you can talk to him after or I will take a short recess if you need to talk to him. But that is not appropriate. Mr. Blake.

Mr. Blake: Council Chair, please correct me if I am wrong. But the eight hundred thousand dollars (\$800,000) that went to Kāneiolouma came from the Community Facilities District Fund. It was not Capital Improvements Project (CIP) funds to our knowledge.

Council Chair Rapozo: No, it was the Community Facilities District (CFD) funds that was deposited into the capital improvements budget. So, it was...

Mr. Blake: But was that part of the CFD?

Council Chair Rapozo: It was.

Mr. Blake: So, basically, it is not taking out of the CIP funds?

Council Chair Rapozo: It is. The use of those funds had to be approved by the County.

Mr. Blake: Okay. I just wanted to make the distinction. That was it. I think we can find a way we can work this out. I feel bad about dropping it to one point percent (1.5%) because it is going get so hard to get it back. But if we can work through it with the funds that we have right now helping out the County, I would feel much more comfortable about that. We have depleted our staff. We are only one (1) meeting a month and it is really hard to get everything in, hard to communicate, hard to prepare for it, and we are trying to do best we can. I can say

that everybody takes their job seriously and we want to do best for Kaua'i. We live here. There is a sense of place that we have to keep. I ask any one of you right now, from Spouting Horn to Po'ipū Beach, anybody know the traditional name of any spot along that coast other than Heroin, PK's, Acid Drop, Centers, or Middles?

Council Chair Rapozo: No.

Mr. Blake: Zero (0). This is where it comes into play. There is no Po'ipū Beach. The name of the beach is Ho'oloeina kapua'a. There is no Waiohai Beach. It is Haleoi'a. All of these things are important because their place names adds so much to the area and we know about it. This is where I feel very strongly about keeping the funds to purchase open funds. You have to have money in the bank and you have to have money in your pocket when you go shopping. That is where I stand on this. I know we can work it out.

Council Chair Rapozo: I appreciate the passion. I know we can too. Remember, this sets the base. It sets the minimum. The Council will determine during the final budget process, what goes into that account, not the Ordinance. The Council will determine it. So, my message to the Open Space, and we had one (1) Open Space Commissioner come up and testify that they were supporting the drop to point five percent (0.5%). So, everybody has varying opinions.

Mr. Blake: Right.

Council Chair Rapozo: But at the end of the day, I think the bottom line if the Open Space Commission was moving on tangible things, you see it is like this. We see aid whenever we have a horrible disaster in foreign Countries. Everybody jumps in and they send crates of food. The food will rot on the dock because they do not have the resources or they do not have the ability to transport the food to where they go. So, it sits there and nobody can use it. That is how I envision this. You put the money in an account but we are not using it. We are going to be take one million one hundred thousand dollars (\$1,100,000) away from someplace else and maybe it is retirement like the other islands are doing. I think that is irresponsible. But at the end of the day, this Council will determine it. The Open Space Commission has a couple of weeks to come up with some kind of proposal to convince this Council that hey, we need one point two percent (1.2%). We need two percent (2%). If that argument is justifiable, if that argument is a tangible opportunity, not just when we want to see, but this is what we have done. We have done title search. We have done an appraisal. We have nothing except do not take away our money. No. Go use it. We want them to use it. There are parcels on this issue list of Councilmember Yukimura's that we have adequate funding for. Are we pursuing it? That was my question. Are we pursuing it? Open Space Commission is just one (1) function. I look to the Administration to making it happen. That is where my message goes to, not the Open Space Commission, but to the Administration.

Mr. Blake: We do have things in the works. The County Attorney has prepared documents. The staff is prepared to contact owners. I believe we have had an appraisal on Hoban. If you want this, I will make a point to mention at the next meeting, which is Thursday, and get those records to you.

Council Chair Rapozo: Yes.

Mr. Blake: I mean, we have been talking about it and it is muddling a lot of things. We have to go through so many things and we have to

follow protocols when we submit something to the Administration because it is the same problem everybody has.

Council Chair Rapozo: No, I know. We deal with it every day, Teddy. My suggestion is pick a priority project and move on it.

Mr. Blake: Okay.

Council Chair Rapozo: Pick a project and move on it. Do not pick ten (10) and work little things on all ten (10). No. Pick one (1) and let us get it done. That is my message to the Administration.

Mr. Blake: Hoban is the place in our...

Council Chair Rapozo: Then I suggest we start moving on that.

Mr. Blake: Okay.

Council Chair Rapozo: Thank you.

Mr. Blake: We need the help of the Administration and Council to move on this.

Council Chair Rapozo: I can guarantee you 7:0 vote on the funding for that Hoban property.

Mr. Blake: Okay.

Council Chair Rapozo: Guarantee.

Mr. Blake: Not for the price you like, but I am happy to get it.

Council Chair Rapozo: Well, I anticipate you folks working the price down because that is crazy.

Mr. Blake: Thank you.

Council Chair Rapozo: Thank you.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: Teddy, when you mentioned the funds from the CIP, the source was not the General Fund or the general moneys.

Mr. Blake: No. Not to my knowledge.

Councilmember Yukimura: Right.

Mr. Blake: The source was...

Councilmember Yukimura: The Kukui'ula district.

Mr. Blake: The Community Facilities District agreement worked out with Kukui'ula and the County.

Councilmember Yukimura: Right. So, it was not funds that are available to other projects outside of the district?

Mr. Blake: I believe that those funds are specifically for Kōloa.

Councilmember Yukimura: Yes. Okay.

Council Chair Rapozo: But not specific to Kāneiolouma.

Mr. Blake: No.

Council Chair Rapozo: No. That is what I was saying. The project was of such importance to the County and Administration, that is where it went.

Mr. Blake: Right

Council Chair Rapozo: Thank you.

Councilmember Yukimura: Although because of that, we had to forego the lot next to Po'ipū Beach Park.

Mr. Blake: Like Council Chair said, you have to have your priorities. Kāneiolouma, to me, is number one priority because of the impact and what it represents.

Councilmember Yukimura: Right. But if we had enough money, we could have done both.

Mr. Blake: If we had enough money, we would not be here today.

Council Chair Rapozo: Correct. We could have bought every open parcel on the island.

Mr. Blake: That is right.

Council Chair Rapozo: Thank you. Anybody that wants to testify?

Councilmember Yukimura: Thank you.

Ms. Kinnaman: Tessie Kinnaman, again for the record. If I could finish the rest of the letter I was reading. "A promise was made with the handshake and this promise was honored by three (3) generations of Knudsens (Kanuka, Grandfather, his son Eric, and her husband Valdemar L'Orange). When my husband died in 1990, the Knudsens heirs did not honor this promise. Not out of lack of knowledge, but because of error of thought. This land holds more Hawaiian artifacts than any other piece of property on Kaua'i. It is confirmed by Doctor Hal Hammett, Archeologist on O'ahu. Therefore, this acreage should be held in public trust for conservation and preservation into perpetuity for the Hawaiians. Sincerest Aloha. Mrs. Valdemar Knudsen. Copies to Knudsen Trust care of Stacy Wong, Kaua'i

Planning Commission and Planning Director, and Kane I Olo Uma Trust. That is in regards to the Nukumoi properties. Again, I stand behind the Hoban purchase. It is supposed to be on the Mayor's desk from several months now and that was a top priority. As far as I know, all of the paperwork was done and a copy was supposed to be forwarded to the Council. So, I do not know where that it at. I do not know. If you could follow-up on that.

Council Chair Rapozo: We will follow-up on that.

Ms. Kinnaman: Please, because that was a top priority for quite a while ever since I was on the Open Space Commission from 2002.

Council Chair Rapozo: We actually have Mike Dahilig from the Planning Department here. So, I will call him up to find out right now what the status is.

Ms. Kinnaman: Thank you.

Council Chair Rapozo: Anyone else wishing to testify? If not, Mike, if you could come up? Thank you for being here.

MICHAEL A. DAHILIG, Planning Director: Sure thing, Chair. Mike Dahilig, for the record.

Council Chair Rapozo: I think you heard the question about the Hoban.

Mr. Dahilig: Yes.

Council Chair Rapozo: It is on the Mayor's desk for a few months. Is it true?

Mr. Dahilig: No. It has actually been on my desk for a few months.

Council Chair Rapozo: On your desk?

Mr. Dahilig: Yes.

Council Chair Rapozo: Okay.

Mr. Dahilig: I want to be clear that when we were presented with a recommendation from the Open Space Commission, especially in a situation where it is an adversarial situation, we take seriously when we have to ask the Council to pass a resolution for acquisition specifically for the exercise of domain, that we have to do our due diligence first. I think that is the process that our Department, before we start sending priorities and money bills up to the Council, that is one element especially when we are looking at an adversarial acquisition situation that we have to ensure that if we are asking the Council to extend that very sacred power of eminent domain, that we do so with all of our "T's" crossed and all of "T's" dotted. Based off of the recommendations that we have gotten from the Open Space Commission and again, as you are familiar the Open Space Commission receives the public feedback, provides a recommendations, and we in turn as officers the County look at whether or not something like they are proposing is feasible within

the reasonable standards of what this body would be asked to pass an eminent domain Resolution. We have serious concerns about it. What I am doing right now is actually drafting up and doing a detailed response back to the Open Space Commission explaining as why as Director, cannot recommend to the Mayor to support acquisition because of the eminent domain situation as well as in the pre-negotiations with the private landowner's attorneys, some of the liabilities that would ensue should we not win in an eminent domain proceeding before a Judge. Those are things that I have to look at. I take full responsibility if there was this misconception that something is just being sat on and nothing because we are actually working on something.

Council Chair Rapozo: Thank you for the clarification. Did you hear that Tessie? Okay. Councilmember Yukimura.

Councilmember Yukimura: So, is that also the same situation with the Nukumoi property?

Mr. Dahilig: That is the situation with Nukumoi. I think when we crafted this particular budget together in evaluating recommendations from the Open Space Commission, because they have made a recommendation to say, "Yes, let us move forward." One of our outlays is asking the Council to hire Special Counsel and move forward with eminent domain proceedings because we know it is a private land acquisition that will need to be settled in court. So, again, not to give too many specifics as to what we will be asking for as we move forward, but again, the hiring of Special Counsel as well as eminent domain proceeding along with the situation where we ask for a money bill from this Council requires three (3) Council actions. We need to ensure that if we are going to move forward with the acquisition of the Nukumoi property, that we do our due diligence appropriately. We are ordering appraisals. We are also working with land trust to ensure that the County does not bear the full cost of this if we are not able to just so that we are able to spread the cost of this around. These are the things that kind of go into the calculus of something like Nukumoi. It is not just here is the for-sale sticker on the property and pay this amount. It is a very complicated legal dance that ensues especially when you are looking at an adversarial situation.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: It would seem like the nature of every acquisition is going to be adversarial when it comes to public access. Most owners are not going to want to give away their property. I do not understand the resistance to entering into an adversarial process when every acquisition is going to be adversarial.

Mr. Dahilig: I would not say it is a blanket resistance. Like anything, when we get recommendations, we bring it to the County Attorney's Office and have discussion with them concerning what are about our abilities to win in court and what is not capable for us to win in court when we have to go through that kind of risk assessment before we bring anything before this body without any type of due diligence. It is not to say that we are adverse to contentious litigation, but we have to ensure that if we are going to bringing something before this body for an action that we can win and that it is worth the value of that. So, that is the thought process that we go through. Any time that we have, like you mentioned, an adversarial situation. We do have other acquisition proposals that are not adversarial.

Council Chair Rapozo: Mike, I am going to stop there because today's Bill is for the Bill.

Mr. Dahilig: Okay.

Council Chair Rapozo: But I will ask at the next Planning Committee, if we can get a briefing.

Mr. Dahilig: Sure.

Council Chair Rapozo: On the open space. I do not know. We got a report from the Open Space Commission.

Mr. Dahilig: Yes, sir.

Council Chair Rapozo: I think everybody got a chance to take a look at it. But let us go ahead and deal with that in the Planning Committee. Councilmember Chock, if you do not mind.

Councilmember Chock: Sure.

Council Chair Rapozo: We can have the dialogue regarding the Open Space recommendations and let us do it there because I think it is time we have that discussion again.

Mr. Dahilig: Sure thing.

Council Chair Rapozo: Mr. Trask, if you can be available to discuss at that meeting, eminent domain in general terms. Okay. Any other questions it is relates to...go ahead.

Councilmember Kagawa: I had one (1) question in consideration for Mauna Kea to consider when we do discuss the Hoban and Nukumoi that may go to court, is it appropriate to discuss status of those in open session knowing that they will go to court at some point?

Council Chair Rapozo: I think that we will do is we will have the broad overview from Open Space whether it is from Mike or whoever from the Planning Department. If we come across a parcel that is contentious or potentially heading to eminent domain, that I would not suggest we discuss it in the open. We could post an Executive Session for a later time. I just want to get a much better understand of the process. I think the public needs to have a better understanding of the process. When a recommendation is made, what happens? It goes to Mike Dahilig's desk and sits there. Let us tell everybody it is the Mayor's desk. I think we all have to understand the process better and we can do that next week, if all are in agreement. Okay. Thank you. Anyone else wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: For this discussion here, I know we had a lot of discussion after we introduced the Bill as it relates to the rule, we will start fresh.

Councilmember Kagawa: You folks can subtract my minutes. I did discussion earlier. Just give me the light whenever I am done. Overall, I thank the people for testifying. Their passion is for the betterment of Kaua'i. Who does not want the County to acquire as much park space/access as possible? But the fact of the matter is that we only have so much money every year to spend. Right now, it is not a good time as far as us having the type of savings to be comfortable to say, "This is just one million dollars (\$1,000,000) for something really important. Let us do it." I think right now looking at next year's salary increases of eight million dollars (\$8,000,000), we have not even accounted for that. You just subtract that right away, so that leaves us with five million dollars (\$5,000,000). Who knows from now until next June what else will come up and eat up the five million dollars (\$5,000,000) reserve that we have right now on paper. To minus one million dollars (\$1,000,000) at this point would bring it down to four million five hundred thousand dollars (\$4,500,000). I am not comfortable doing that. I feel more comfortable keeping that one million dollars (\$1,000,000) in the saving and should we need to, like you said Mr. Chair, we can add whatever we want at any time if we have a good project that really, we have four (4) out of seven (7) members feel that is a wise decision for our County, that we can do it at any time. But to just say, "Well we want to not change the percentage because we want to keep that savings," I do not think we are in the position right now. We do not have the savings that makes me comfortable doing it. Mr. Chair, going back to what you said, we have a lot of properties that we have that we are not improve and not upgrading. One example is right behind the airport. We have that huge property right behind the airport that we got from Kaua'i Lagoons that right now has a road, but there is no restroom. No nothing behind there. The road is in bad shape, and that surely is an area that if we fixed up a little bit, I think our local people could enjoy that area back there. Sure, there is not any sand beaches back there, but there is some nice fishing grounds. To me, I think we should be upgrading what we have at the same time as looking at acquiring. It is just as important. We need to upgrade what we have and enjoy those things that we have, not just look forward, keep acquiring more parcels, and we cannot upgrade or take care of what we have already. It is a balance. I hope that at some point we can acquire those easily accessible parcels such as expanding Salt Pond Park. I think we can get this through Executive Order. Let us push for that. I would like to see that happen. Salt Pond Park is all we have on west side as far as Hanapēpē or as far as being a big park that services all of the west side looking beyond Po'ipū Beach Park. That, we can get for free. But are we willing to invest the moneys or to invest the time to improve that area, if we acquire it or are we just going acquire it, just say we have it, and not do anything with it? So, to me, to acquire parcels that we can get a discount or for free should be a priority, not just buying at market value. We get less "bang for our buck" because we still need to improve it. That is how I feel at this time. There is a lot of opportunity. But certainly, when our County gets back to being at a more healthy position, I surely have no problem increasing that one million dollars (\$1,000,000) back in our budget. Thank you, Chair.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: I have an amendment.

Councilmember Yukimura moved to amend Bill No. 2585 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1, seconded by Councilmember Chock.

Council Chair Rapozo: Okay. Can you pass out the amendment?

Councilmember Yukimura: I can be explaining it as it is passed out. It is mainly to set the percentage at one percent (1%), which is a halfway compromise. Instead of one point five percent (1.5%) or point five percent (0.5%), it is at one percent (1%). It addresses both the need to not take so much of our real property revenue set aside, but it also puts aside a bit more than point five percent (0.5%). It is actually a genuine compromise in the different priorities that have been talked about around this table.

Council Chair Rapozo: Any discussion? Councilmember Chock.

Councilmember Chock: Thank you, Chair. I will be supporting this amendment. I see the place that we are in...

Council Chair Rapozo: Hold on.

Councilmember Chock: Okay.

Council Chair Rapozo: What is that? Somebody's doorbell.

Councilmember Chock: Five dollars (\$5)?

Council Chair Rapozo: You got it? It sounded like it was coming from over here. I apologize. Councilmember Chock, please start over.

Councilmember Chock: Just to reiterate, I totally understand the position we are in terms of balancing our budget. It is one of our priorities that we all agreed on that we want to work on. When I do look at our budget though, I consider this fund part of our budget. I think that it is something that we have held up high. I know that there are members that may not agree with it, but to me, it is as important as the retirement fund and as funding Other Post-Employment Benefits (OPEB). I think that what I would like to do is support something that is being introduced as a compromise here for this next budget period. Just looking at the figures and the communication that came back to me in terms of the projects, I think the message I heard from some of our Commission members is that we have been really hard on these things. Some are ready to move and will be moving. Nukumoi, we did not get a timeline and it maybe we move into a litigious process for that. But that still could be possible for use. The Evslin was not mentioned. It was two million five hundred thousand dollars (\$2,500,000); Wiapā, one million seven hundred thousand dollars (\$1,700,000). Even if we get a discounted price on Hoban, we would tap this fund list this in tomorrow. I really believe the message that I heard really loud and clear from the testifiers is that this is about quality of life. We need to have the money in the bank in order to move on it. Let us do whatever we can since this is a priority for us. I think we all agreed and we have said this on the floor, that this is important for us, that we can meet this halfway. So, this amendment would bring in about five hundred thousand dollars (\$500,000) in addition to what we agreed upon. I think that whatever we can do to support it is going to be well-worth our time and effort in the long run. Like I said or what other people have said, after we are well and gone. Thank you for the introduction of that amendment.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: Yes. I am actually somewhat reluctant to support the compromise. But I think it is a good effort and compromise is the nature of the business that we do. Again, I mentioned that I along with the new Senate President Ron Kouchi, were the introducers of the original Charter Amendment. I remember distinctly at that time, discussion about well half a percent (0.5%) is not enough. But we knew that it was a starting point. It was a way to set up the infrastructure to put things in place and then we could expand upon it there. It saddens me to step back from the commitment of one and a half percent (1.5%). It saddens me that we are going to put keeping paying the electric bill above acquiring open space. I mean, the Open Space Fund is a capital fund. It is a fund that buys real estate and access that is going to be around that we will never see again, or pay for salaries. That is essentially, what we are doing. I think this is a good compromise. I am hopeful that the majority of the Council would support it. We just gave back money to the credit unions earlier today. Representative Roy Takumi once, and again, he said, "A budget is a moral document. A budget is where our priorities. A budget is where values are expressed." I would hate to see this Council pass a budget that says the preservation of open space is less of a value than all of the other things that we do. I think it is just as important, as Councilmember Chock said, as retirement, just as important as public transportation, and as paving our roads. I would rather ride on bumpy road and have access to some of these special places. So, I think it is a question of priorities. I hate to see us step backwards, but at the same time, I recognize the reality of where we are at and will support the amendment that meets us halfway. Thank you.

Council Chair Rapozo:

Thank you, Councilmember Kaneshiro.

Councilmember Kaneshiro: Again, I understand the importance of the Open Space Fund. I think with this amendment, we are splitting hairs again. I think we are not raiding the fund. The fund has five million dollars (\$5,000,000) in it right now. We are not eliminating money we are putting into it. We are putting five hundred thousand dollars (\$500,000) into the fund. I think by doing the one percent (1%), we are really splitting hairs. I think what it comes down to is a fiscally responsible budget. Right now, when Charter was up and people voted on it, I think our budget was a lot better than it is now. I think if we had to result on it vote on it every year, the results would change every year on how much money we want to put in based on our budget. I think if we put it on the ballot now and we said, "Do you want to put an extra five hundred thousand dollars (\$500,000) or one million dollars (\$1,000,000) into open space or do you want to put five hundred thousand dollars (\$500,000) or one million dollars (\$1,000,000) into the roads, I think we may get a different result. So for me, I will not be supporting it. I think bringing it back down to the point five percent (0.5%) is what the original intent of it was. For me, we saw a whole list of projects and really, it is overwhelming because I can see a whole list of projects, but I do not see anyone coming in and saying, "This is the project we want to do and this is the amount of money we need." If we had that, then I could justify looking at how much money do we have, is it something that the community wants, and do we need to put more money into it? But right now, we are getting thrown the number of thirty million dollars (\$30,000,000). But I mean, there is no priority. There is no need. To me, it is a lot of wants. We want to purchase all of these properties and I want them too, but what is our need? What property is within reach? What property is a property that we can actually do it, we can actually purchase? We will not have to go to court. We will not have to fight. For me, I would love to see them come and say, "These are our priorities, these ones we may have to go to court. Here are some low-hanging fruit. These ones are ones where the property owner wants to sell, we want to buy, and this is how much it costs." Then we can kind of come up

with a decision. All I see is a shotgun of projects and really, there is no one coming in and saying, "We need the money, this is how much we need, and this is the project we are going do." Until I can see that, I am really hesitant to support an increase in what is on the plate now. So, I will not be supporting the amendment.

Council Chair Rapozo: Any other discussion? Councilmember Yukimura.

Councilmember Yukimura: The whole reason for having this set aside and this special fund is that you do not argue every budget about specific projects. But you are saying open space is such a high priority that we are going to put aside money so that we have them when the projects come up to us. To say we will do it with every budget, actually contradicts the whole philosophy of having this fund and staying the course and putting money aside, it is like if you say, a college education is important. If you do not put aside an amount every year, then you are not going to get to that college education. I think this whole Charter Amendment was this purpose of saying, "No. This is a high priority for us." So, we have to put aside. Then to say, "Oh, if you come with project, we will find it in the budget," but we cannot even find a smaller amount to put aside every year. That does not make sense. We will find it if you come to us. But no, we do not have any money right now that we can put aside in small amounts. That does not make sense. I do understand the feeling around this table about needing some concrete projects to come forward. I believe the Administration is responsible for that and by not bringing forward projects in a timely way, you jeopardize the fund. You almost give argument to not having the fund or to lessen the amount put into it. I would really ask the Mayor and his staff to start working on these projects. They have been languishing for many years. They have been on the list for many years. I will also ask, we just had a management error that is costing us about three million dollars (\$3,000,000). If we did not have that error, we would not even have this discussion. We could just put that money into our Open Space Fund. That is where our problem is because all of this money has been siphoned off and we are being forced to make these really tough decisions when we would have the money if some of these other things would been taken care of.

Council Chair Rapozo: JoAnn, that is your second time. So, if you want to say anything more, do it now.

Councilmember Yukimura: Thank you. So, one percent (1%) is such a small amount. You saw from the chart that I sent, we are going to be putting aside less money than any other County every year. Big Island land is cheaper than Kaua'i land because we are so small and we have these high-end investments being made on our island by people who want to make money off of buying and selling land here. So, it is going to go. We can always develop land once we have it. We can wait five (5) years or ten (10) years, but once it is sold off, we cannot get it. I remember sitting in this room while the subdivision of 'Anini Beach, all of these lands that now have fancy houses. We could have bought those lands and made it a large park. But we did not have the money, we let the opportunity go, and it is gone. That is what this fund gives us, the power to take the opportunity when we have it, that window, and preserve the land for many generations forever.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Kualii.

Councilmember Kualii: I just want to say that I come from a family of taro farmers and former taro farmers, and we currently still make salt. It is a little

offensive when somebody comes up here and says that if we vote for this, that we are voting against the Hawaiian culture and Kaua'i's lifestyle. We are born and raised here. Running for Council, one of my main motivations in running for Council was to stand up for our *āina* and our people together. It is very clear in the intent here of the Open Space Charter Amendment, and I clearly one hundred percent (100%) in my private life as a volunteer, I would work on these things: the preservation of historic or culturally important land areas and cites; the protection of significant habitats or ecosystems including buffer zones; the preservation of forest, beaches, coastal areas and agricultural lands; protecting watershed lands to preserve water quality and water supply. But the most personal thing for me is this one about improving, and they each have their own number. Number 7, improving and number 8, acquiring. Improving and acquiring public access to, and enjoyment of public land and open space. Enjoyment. That is a nice word. But for me, it is more than enjoyment. It is livelihood. It is sustenance. Our people hunt. They fish. They gather. Over the years, we have lost access. So, we need to focus on access. We do not need to be buying ten (10), twenty (20), or fifty (50) acres of beautiful to look at lands. We need those smaller pieces all over the island that give our hunters, our fishermen, and our gatherers the right to get on the *āina* to get the sustenance for their families. To say that now I know why I was elected. I was elected to be fiscally responsible in a tough time when our Mayor for years, maybe was not doing what he should be doing. I ran on the platform of saying, "No. Enough. The people have spoken. We need to tighten our belts and we need to make those tough decisions and those tough votes." There is no vote tougher than this one as far as pitting fiscally responsible against the environment and the *āina*. Let us be real. Our Open Space Committee needs to do a more effective job. Why is it that the first three (3) attempts at properties are all adversarial and all costing way more than it should? What about the small projects? What about the small access places for our hunters and our fishermen? Even Makoto complained about no longer being able to hike in certain area. Let us focus on public access. Let us focus on helping as many people as we can. This 9th position about scenic values, I am sorry. It does not mean that much to me. We live on one of the most beautiful places on planet and I can look out from my toilet and see beauty. I do not need to own Alekoko Pond to not see the beauty. We all own it. It is like air and water. If we had all the money in the world, we could buy it all. But as it is, we need people like Mr. Yee and their groups that are willing to step forward, and Rupert to do all of that sweat equity. Then we need to leverage against that. We need State funds. We need Federal funds. We need that sweat equity. Just do the multiplier effect. Our part as the County is there and we are doing the best that we can, and we will do better in time as the budget gets better. I do not feel this budget we have gone far enough. We have a ways to go yet, but we are at least moving in the right direction. We cannot ask the Mayor to start doing his part and then when he puts this forward, jump ship. This is temporary and ultimately, this is reinstated what the voters approved. So, at a floor, at a minimum, we will put aside point five percent (0.5%) for this purpose that we deemed so important that we are supporting it. We are not putting point five percent (0.5%) aside for transportation. We are not putting it aside for housing and all of those things are important too. But we have the tough decisions now. I am not just in the community doing my volunteer work with one group. I am here sitting on the Council and I have got to make this tough decision. I hope people can understand that. I am doing it with a Hawaiian heart, somebody who has full appreciation and understanding of my Hawaiian culture.

Council Chair Rapozo:

Thank you. Councilmember Hooser.

Councilmember Hooser: Yes. We are still speaking on the amendment, is that correct?

Council Chair Rapozo: Yes.

Councilmember Hooser: Okay. Just real briefly. I mean, there is clearly diversity of opinion and different values, a lot of passion and thought around this table. The amendment that is before us is an attempt to bridge those passions. I think it is an attempt at genuine compromise to say yes, we have to be fiscally responsible but yes, we also want to honor the values of everybody around the table and they audience that took their time out today. That is really what we are starting talking about. We are starting down a path these next couple of weeks. We are going to be voting on lots of things and there is going to be lots or things and passion, and we are going to need to compromise as a body. I would just encourage all of the members to think today about that forward, and talk about and think about how we might compromise to work together to honor each our values and passions as we sit around here today. It is a long haul that we have for the next couple of weeks and this start of it. Thank you.

Council Chair Rapozo: Thank you. Anyone else?

Councilmember Kualii: I will be brief this time. I would just say that for me at this time, we are making a decision for now. Things can change next year. Things can change in two (2) years. I am. I am compromising my own values to be fiscally responsible to respond to the people and do what is right. It is a tough vote. But that is the vote I am making.

Council Chair Rapozo: Okay. Anyone else? I will just say this, the Open Space Commission has a few weeks to convince this body to put one and a half percent (1.5%) in the budget. I am not going to be supporting the amendment because I think as long as I have been here, which is as along as the fund has been here, we have never lost a property because we did not have enough money. We have not lost a property because we did not have money. We lost the properties or have never gotten properties because we have never gone after them. So how they say "tough love?" This is my tough love to the Open Space Commission and the Planning Department. You folks want more money in that fund, as Councilmember KipuKai said, you have to be more effective. Planning Department, Mike, you and your team, advise and guide them. Give them the tools and resources that they need and not this shotgun approach. We want all of these properties. Now, you guys in Planning, you folks go figure it out. No. Let us prioritize these projects and then let us go after them because we cannot do it all. We know that. So yes, it is tough love. It is to the point where Councilmember Yukimura said it best. When you start not using the funds, you build the argument of the necessity of the fund to begin with. I mean, I think that is very well-articulated and that is where we are at today. We are not using it, but we want more. Please, do not take this personal on any Commissioner or what. I am just saying the process is flawed and we need to fix it. We need to utilize this fund as it was intended to. Councilmember Kualii spoke very passionately about the hunting and the fishing accesses. That is what I thought we were going to go after. That is what I thought we were going to secure, the beaches along Secret Beach where we could go freely and we cannot anymore. Those are pedestrian walkways that even going eminent domain, would not be that expensive. But no, we are going for the big things. So, discipline ourselves. Hunting and fishing accesses we have lost. Makoto, he talked about that. I cannot go here. I cannot go there. But that is not on the list. None of that is on the list. No. We have got

fishponds and Hanapēpē River Mouth. Let us go for the things that we have lost. Those are the low-hanging fruit. There is enough of lost traditional accesses that I think if we checked them all, we could find something we could get down and maybe, if argument on that side of the aisle was, "Hey, we have spent sixty-five percent (65%) of the fund and we could do much more if we had more money," maybe I could buy that argument. But with no purchases with no activity other than a report we get every year, that is not enough for me. I apologize, I will not be supporting the amendment. With that, the vote is on the amendment. Let us do a roll call, please.

Council Chair Rapozo: Roll call vote on the amendment.

The motion to amend Bill No. 2585 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 1 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Hooser, Yukimura	TOTAL – 3,
AGAINST AMENDMENT:	Kagawa, Kaneshiro, Kualī'i, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Three (3) ayes, four (4) nos.

Council Chair Rapozo: Back to the main motion. Councilmember Chock.

Councilmember Chock: Mr. Chair, I would like to entertain another amendment for us to consider as a body.

Council Chair Rapozo: Let me do this because we need a caption break in five (5) minutes. I am envisioning it is going to be more than five (5) minutes to go through your amendment.

Councilmember Yukimura: Yes.

Councilmember Chock: I am fast.

Council Chair Rapozo: I know you are, but I am not concerned about you. Let us take a ten (10) minute caption break right now. Thank you

There being no objections, the Council recessed at 3:53 p.m.

The meeting was called back to order at 4:03 p.m., and proceeded as follows:

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Thank you, Chair. I have an amendment to consider for the body, that basically would give us the ability to entertain where we want the fund in the future. So, this amendment addresses the end of the point five percent (0.5%) after the proposed fiscal budgetary year returning it to one point five percent (1.5%) thereafter. One of the strong messages that I heard today was that for many of the people, even if we can work towards some agreement and some assurances that the things that they have worked hard towards achieving can be reestablished, I think, is something that they would like to consider. In fact, this amendment gives us that opportunity to get back on track and give us a chance to

really look at how it is we see our budget in the future. So, my hope is that our Councilmembers will consider it and give us the opportunity to do that. Thank you.

Council Chair Rapozo: Is that a motion?

Councilmember Chock moved to amend Bill No. 2585 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 2, seconded by Councilmember Yukimura.

Council Chair Rapozo: Thank you. Further discussion?
Councilmember Yukimura.

Councilmember Yukimura: Just a question of clarification. What this amendment proposes to do is to leave the percentage at point five percent (0.5%) or what Bill No. 2585 is proposing, but that it would be at this percentage just for this fiscal year?

Councilmember Chock: That is correct.

Councilmember Yukimura: It would go back to one point five percent (1.5%) next year unless we changed it again with a law. So, honoring the position of those who want Bill No. 2585 who say just for now for this temporary time.

Councilmember Chock: That is right. What I heard our Councilmembers talk about is right now it is a hard time. We need to look at our budget and be fiscally responsible. But it is really a temporary thing until we start to build our capacity. I would like to be able to, at the very least, look at this every year instead of let this get lost in the future. That is what the consideration is. Thank you.

Council Chair Rapozo: Any other discussion? Councilmember Kualii.

Councilmember Kualii: My only thing is that we are days away from making the decisions on this year. I mean, instead of looking at this every year, I would prefer to look at it every two (2) years. I would prefer to support the Fiscal Year 2015-2016 and 2016-2017.

Council Chair Rapozo: The reality is that you look at this every year anyway. The reality is that every budget session, the Council determines how much money will be put into that account. There is no requirement except it cannot go less than point five percent (0.5%). This year, if the Council felt we wanted to million, we could. We wanted to put one million five hundred thousand dollars (\$1,500,000), they could. Next year, if they could put two million dollars (\$2,000,000), they could. They just could not put less than point five percent (0.5%). It is something that is going to be visited every year every single budget cycle. Any other discussion? If not, any public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: If not, roll call on the amendment.

The motion to amend Bill No. 2585 as circulated, as shown in the Floor Amendment, which is attached hereto as Attachment 2 was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Hooser, Yukimura	TOTAL – 3,
AGAINST AMENDMENT:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: 3:4.

Council Chair Rapozo: We are back to the main motion.

The motion for adoption of Bill No. 2585, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR ADOPTION:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
AGAINST ADOPTION:	Chock, Hooser, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Four (4) ayes.

Council Chair Rapozo: Next item, please.

Resolution No. 2015-43 – RESOLUTION URGING THE ADMINISTRATION TO CONSIDER NEW TECHNOLOGIES TO MANAGE THE COUNTY'S SOLID WASTE CHALLENGES

Council Chair Rapozo: Thank you. Can I get a motion, please?

Councilmember Kagawa moved for adoption of Resolution No. 2015-43, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Thank you. Let us do this, is there anyone in the audience wishing to testify?

Councilmember Yukimura: I have a question about the Resolution to the maker of the Resolution, to clarify.

Council Chair Rapozo: Go ahead and ask your question. Do we have anyone signed up?

Councilmember Kagawa: If possible, I would like the Resolution to be read first.

Council Chair Rapozo: Okay.

Councilmember Kagawa: It is not that long.

Mr. Sato: This is a Resolution Urging The Administration To Consider New Technologies To Manage The County's Solid Waste Challenges.

WHEREAS, the County of Kaua'i ("County") is considering new and innovative technologies to manage its solid waste challenges; and

WHEREAS, currently utilized technologies like incineration minimize baseload reduction and decrease the County's ability to employ diversion activities; and

WHEREAS, the County faces a solid waste challenge with less than 10½ years of capacity at the existing landfill; and

WHEREAS, the proposed new landfill site faces permitting challenges and high construction costs; and

WHEREAS, although the Environmental Protection Agency requires the County of Kaua'i to build a new landfill, the concept of a new landfill is in itself not a zero-waste activity; and

WHEREAS, a new landfill could cost the County approximately seventy three million dollars in construction costs and three million each year in operational costs; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII, that it strongly urges the Administration to consider deploying new innovative technologies in their effort to solve our current solid waste challenges; and

BE IT FURTHER RESOLVED, that the County Council urges the Administration to consider technologies and partners who offer dual diversion activities as part of the solution to our solid waste challenges; and

BE IT FURTHER RESOLVED, that the County Council urges the Administration to consider technologies that provide for the maximum net output of green energy in any proposed solution; and

BE IT FURTHER RESOLVED, the Administration is urged to consider a public-private partnership as a low to no-cost option for the resolution of our solid waste challenges; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be transmitted to the Mayor of the County of Kaua'i, each Board of Director for the Kaua'i Island Utility Cooperative, the Chair of the State Senate Energy and Environment Committee, and the Chair of the State House Energy and Environmental Protection Committee." Introduced by Ross Kagawa.

Council Chair Rapozo: Thank you. Councilmember Kagawa, did you want to take this time or wait?

Councilmember Kagawa: No.

Council Chair Rapozo: Okay. Councilmember Yukimura, you have a question?

Councilmember Yukimura: Yes. It is not clear to me what the new technologies are that are being referred to here.

Councilmember Kagawa: I think my response is that we held a Request for Information (RFI) process. I think we had eight (8) people and I am not sure, I am just quoting what I heard because I have not reviewed or I have not been provided any documents on all of the people who have shown interest. There is a nice interest in trying to help to divert some of our waste at Kekaha landfill. Eight (8) people or eight (8) different companies submitted requests or RFIs or responses. All I am trying to do is trying to urge the Administration to speed up the process knowing that we have anywhere from six and a half (6½) to ten (10) or twelve (12) years left at Kekaha landfill. I would think that any of those eight (8) people who responded to the RFI will have some residuals that will need to be stored at the landfill. So, at a certain point in time if we have four (4) to five (5) years left, I would assume that none of them would be interested because where are you going to put your residuals?

Councilmember Yukimura: I am still not clear what "new technologies" means because if it is referring to thermal conversion, these are old technologies and we have dozens of studies already say that they are not economically feasible for the scale of our island.

Councilmember Kagawa: Well, if we continue that attitude, we will have no diversion and Kekaha landfill will fill up without us even showing any effort in trying to divert the waste.

Councilmember Yukimura: I am trying to define what "new" is because thermal conversion is not new. Are you referring to thermal conversion processes?

Councilmember Kagawa: I am not singling out any of the eight (8). I would hope that all eight (8)...

Councilmember Yukimura: Eight (8) is a brand or a company. Thermal conversion is a category of waste processing. So, is that what "new and innovative" means? You are asking us to vote on something that is not even defined. I do not even know what it means. We need a chance to evaluate, learn, and read about it. But "new and innovative" gives no guidance to me, as to what these are.

Councilmember Kagawa: "New and innovative" to me, means anything different that the County is doing other than what it is doing right now. We currently have those green bins that are used for recyclables. We currently turn our green waste into mulch. We recycle metals by collecting them and putting them on a ship. We also have areas like what used to be called Abe's, that takes white goods. So, anything new that will reduce the amount that we bury, I think, would be considered "new" to me. Something new that Kaua'i County does not do that would be a significant decrease to the amount that we are burying is what I would consider "new." As you all know, a Resolution has no teeth. It is merely a position and I believe in this Resolution, we are saying please hurry because time is running out, and that is all. It is a request basically, but in a formal way, of just saying to the Administration, please hurry. We are running out of time. We have not taken up any significantly new idea in forty (40) years. We primarily bury rubbish or we gather what we can and gather it together and put it on a ship. I believe that is not the best way to handle it, but I am not an engineer. I will leave it to Larry and his professionals to decide what is best. If the best way to handle our rubbish is to gather it and put it on a ship and so forth, the Administration will not be going against the Resolution. I am just asking them to proceed further and try and see if we have anything to help Kaua'i in the near future because time is running out. That is the

only way I feel that being on the legislative side, that is the only way I feel I can give the Administration a nudge, is just a formal request to please hurry.

Council Chair Rapozo: Councilmember Yukimura, I have a question. You mentioned thermal...what did you mention?

Councilmember Yukimura: Thermal conversion.

Council Chair Rapozo: Is that in the Resolution?

Councilmember Yukimura: I am asking if that by the words "new and innovative technologies," which is what this Resolution is urging.

Council Chair Rapozo: Right.

Councilmember Yukimura: Whether that is included?

Council Chair Rapozo: Oh.

Councilmember Yukimura: I just want to know what "new and innovative technologies" actually is.

Councilmember Kagawa: If we do not have thermal, it is a new technology in my definition. Does that make sense? Anything different than what we are currently doing.

Council Chair Rapozo: New and innovative means new and innovative. I mean, the Resolution leaves it up to the experts to determine.

Councilmember Kagawa: O'ahu may be doing it, but it is new to Kaua'i. We are not doing it.

Councilmember Yukimura: Are you suggesting then that we should abandon our Integrated Solid Waste Management Plan because you are saying anything that we are not doing and what we are doing is in accordance with the Integrated Solid Waste Management Plan, which we spent three hundred thousand dollars (\$300,000) at least on?

Councilmember Kagawa: I am in no way in this Resolution telling the Administration how to handle our rubbish except that I want them to hurry up in trying to take the next step after asking for the RFI. That is all I am trying to do. Time is ticking and let us see what is out there because as you all know, science changes. H-Power is a thirty (30) year old technology. Is that what is best for Kaua'i? I do not think so, but it is not my opinion. It may be the best one.

Council Chair Rapozo: We will be bringing up Larry in a very short time. If you had any more questions for the introducer.

Councilmember Hooser: I do.

Council Chair Rapozo: Okay. Go ahead.

Councilmember Hooser: If I may? For the public and everybody, RFI is? Request for information, is that it?

Councilmember Kagawa: You are right.

Councilmember Hooser: The Administration has put out an RFI and they have gotten eight (8) responses?

Councilmember Kagawa: Yes, you are correct.

Councilmember Hooser: Are you familiar with the eight (8) responses?

Councilmember Kagawa: I am not. I am familiar with two (2). Two (2) of the eight (8) have met with me personally.

Councilmember Hooser: Okay. Which go are those?

Councilmember Kagawa: Energyia and Pelletron.

Councilmember Hooser: Energyia?

Councilmember Kagawa: Yes, they are a waste diversion like a Metals Recycling Facility (MRF).

Councilmember Hooser: And Pelia...

Councilmember Kagawa: Pelletron.

Councilmember Hooser: Pelletron. What does Pelletron do?

Councilmember Kagawa: They are a defense contractor. It is a plasma arc type that is a much improved version of plasma arc.

Councilmember Hooser: So, plasma arc, is that the similar technology to the heat transfer?

Councilmember Kagawa: Yes.

Councilmember Hooser: Okay. So, plasma arc.

Councilmember Kagawa: But supposedly much improved version. But who knows? It is up to Public Works to go and dig deeper into all of them.

Councilmember Hooser: I know plasma arc, those technologies have been pitching their services for many years to all of the Counties. I am not aware of any municipal solid waste commercial facilities that are operating anywhere in the community like ours. Are you aware of those?

Council Chair Rapozo: This Resolution does not specify the technology. So, maybe we can get Larry up to explain about the eight (8) companies that has come up.

Councilmember Hooser: Right.

Council Chair Rapozo: I do not want this forum to be a negotiation or a breakdown of the eight (8) applicants. That is not our job to do that.

Councilmember Hooser: If I may. If the Resolution is supporting Pelletron or anybody like that...

Councilmember Kagawa: It is not.

Councilmember Hooser: I need to know that. If we are voting on supporting a company that is proposing, then I want to know what exactly we are supporting. It is very broad.

Council Chair Rapozo: It is.

Councilmember Hooser: To me, I do not know.

Council Chair Rapozo: We received testimony from Pat Gegen, who made a horrible, what I call an allegation, that this was directed to support one company. I challenge anyone to show me in this Resolution where a specific technology and that is what it sounded like Councilmember Yukimura was trying to incite that response.

Councilmember Hooser: Right.

Council Chair Rapozo: But there is nothing in this Resolution that refers to a specific technology or a specific company. It tells the Administration, "Take a look at the new and innovative technologies and let us start moving in that direction." That is what it does. There is no reference. I would rather not discuss even the companies at this point because they are going to go through the competitive process at some point. But today, it is just the Resolution, which is asking the Administration to consider new technologies to manage the solid waste.

Councilmember Hooser: The reason I bring up my experience with plasma arc is because they are not proven technologies. The discussion we have had in the past is about risking the County on new innovative technologies that why should we be the early adapter and be totally locked into some technology? So, it is a very important distinction. It sounds good. Let us adopt innovative technologies. But at the same time, it may not be so good. That is the discussions that have been done historically.

Council Chair Rapozo: Well, there is no way the Administration can move on any technology without the Council's approval. There is just no way. They need funding.

Councilmember Hooser: Because part of the Resolution talks about public-private partnerships and that is also kind of troubling to me. I do not know what that means.

Councilmember Kagawa: Can I respond?

Council Chair Rapozo: Yes.

Councilmember Kagawa: Well, a public-private partnership is going to be required no matter whom is selected because the partnership will involve the County giving authorization to whoever is the selected person to have our rubbish. We cannot have the rubbish without a public-private partnership. So, that is just basic. It is not going towards any particular vendor. I am just trying to see if we can

hurry up so we have more time for the operator, whoever is selected or maybe nobody is selected. But if we do not hurry up, the window of opportunity to try something or try and engage in a contract that can significantly extend the life of the Kekaha landfill and not have to open Ma'alo is running out as we speak. So, I am just trying to put it out there for the Administration. It is a nudge. It has no teeth. It has no teeth whatsoever. It is just telling them to please hurry up. You folks did Step 1 and move on to Step 2 as soon as possible. That is all it is really saying. Thank you.

Councilmember Hooser: Just a brief follow-up. Thank you very much. I guess part of my challenge is that this is the first...I did not know the County put out an RFI, had gotten eight (8) response, and we are preparing to select a contractor. Did I miss a briefing on that?

Council Chair Rapozo: No. The RFI was just a request for information.

Councilmember Hooser: Right.

Council Chair Rapozo: So, the next step should the Administration decide to move, would be a Request for Proposal (RFP). So, we are far from selecting anyone. The RFI was just a request for information.

Councilmember Hooser: Has this Council been briefed on this?

Council Chair Rapozo: No.

Councilmember Hooser: Okay. Then that is part of the point, I guess. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I believe there is fifty thousand dollars (\$50,000) in the budget that was part of the Solid Waste briefing that is part of our budget proposal to go ahead with the RFP. We are totally unbriefed on what the possibilities are or why we are doing this. Yes, new technologies. But I mean, there is always new technologies and we have had at least a couple of studies that we have paid a lot of money that has said basically, waste-to-energy is not feasible for a community our size. Big Island spent two million dollars (\$2,000,000) to do an RFP process and came to the same conclusion after spending two million dollars (\$2,000,000). Even Maui County. I do not know that they really found a solution and other communities have gone broke with a put or pay contract.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Chair, I want Larry to be able to verify this because in the discussion of the fifty thousand dollars (\$50,000), what I thought I heard was that a portion was going to be used for a consultant to get the RFIs together, get the codified information, and actually present something. So, it seems to me like this is coming before that. I just wanted to see where we are with that in order to make a decision on this. That is how I think, it would inform me on where we should be putting a Resolution together.

Council Chair Rapozo: Okay. Let us do this. Let me get Larry up here. I will suspend the rules with no objection.

There being no objections, the rules were suspended.

Council Chair Rapozo: Sure.

Councilmember Kagawa: I just wanted to respond to Councilmember Chock. We do not have twenty (20) to thirty (30) years left. If you guys are all shocked by the Resolution showing up, it is because time is running out. At some point, you need to do something or else just live with it and let us plan for Ma'alo. If that is what we are going to do, then let us just plan for Ma'alo and let us not stop. But as I sit here each Committee Meeting and we talk about Ma'alo and I hear all of the reservations, I say we have to look for some solution that we can extend Kekaha another ten (10), twenty (20), or thirty (30) years. This is the nudge that I feel is appropriate because it has no teeth. It does not force the Administration to do anything. They can look at it. They can throw it in the rubbish can if they want, but least they are hearing from the Council that we unified feel like let us go to Step 2. We did Step 1. We have had more people than we thought that would show interest. Let us go to the next step, if possible. If they find with their expertise that it is totally a waste of time, then just tell us. That is my feeling. It is just keeping the communication lines open instead of just talking behind closed doors. Thank you.

Council Chair Rapozo: Mr. Dill. You have heard the discussion. If you could just state your name for the captioner.

LARRY DILL, P.E., County Engineer: Sure, for the record, Larry Dill, County Engineer.

Council Chair Rapozo: Tell us what you know.

Mr. Dill: Okay. It will not take very long. First of all, let me start by saying that the Administration supports this Resolution. We support it because we feel it behooves us to look at and investigate alternative means of managing our solid waste. As has been said by the Council, our existing landfill is running out of airspace and we need to find a solution. We are right now as we sit here today, one hundred percent (100%) commit to the Integrated Solid Waste Management Plan adopted by the County several years ago and we are moving in that direction. But while we do so, because things have changed and technology advances as was pointed out, a type of incineration was looked at several years ago and deemed not to be feasible because at the time at least, you needed a large waste stream in order to make something like that feasible, which we do not have. We stay in touch with what is going on in the world of solid waste and it has been brought to our attention that there are other types of technologies that are out there. Plasma arc was mentioned though plasma arc has struggled. But there are folks who say that they have beaten the problems. It does not take more energy now than you can get out of the process. But there were different technologies that were presented to us as well. Some, they had themes that are variations on a theme. You should be aware that when the RFI went out, we requested the responses to include information on how they would support our Integrated Solid Waste Management Plan when it comes to waste diversion activities. So, many of them included a package, which included a MRF as part of their proposal. Some were a dirty MRF and some were a clean MRF. Right now, as Councilmember Kagawa said, as there is no teeth in the Resolution, there is no commitment on part of this County right now to do anything with any of those submittals. We received them. I think there are eight (8) of them, as the Councilmember mentioned, and we are in the process of getting a consultant on board to analyze these and report back to us because a lot of these are technologies

that we are not familiar with. So, we need some help in that regard. The end of the work by the consultant would be analysis and recommendation on what looks feasible and to begin the job of outlining a possible RFP should the County choose to move in that direction based on the analysis that has been done.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Chair. I did get informally briefed by two (2) of the submitters for the request for the RFI. I guess kind of the red-flag for me is that it does seem like it does not state their name at all in here, but it does seem and I have nothing against them. I would move in that direction. They had a good presentation. But it does seem like there is specific language in here that averts to what is that they presented, that does concern me. The public-private partnership, which is something good. The idea that this has got to be done with KIUC, which we need to. Incineration. Anyway, these are things for me, I am a little bit afraid to move forward on because I have not felt like we have gone through an equal process on all eight (8) and been presented with them because it does not say anaerobic digestion or anything, and yet, that was part of what was presented to me in another provided. That is kind of where I am wondering for me, it seems premature. Can we at least get the results of the RFI so that we know what it is the County has narrowed down to look at? I would like that before we pass this and if that is ready, let us look at it now so that we can work on this and make sure that I can support it. But that is where I am with it.

Mr. Dill: Okay. I will respond to that by saying I believe that this is generic enough in its current form that it is something that we feel comfortable supporting here before you with Council.

Councilmember Chock:

Okay.

Mr. Dill: Also, the RFI we received eight (8) responses. I think that is the right number. The RFP will not be limited to those eight (8) and there are other folks that have approached us since that time and indicated a strong interest. We may come up with some other technologies when we get to the RFP time as well if we decide to pursue this. We are not going to be able to come before you and say, "Here are the technologies we are looking at. There are the ones we might choose from." They are multi-faceted. So, there are many variations on the themes as well. It would be very difficult for me to sit here and say, "We are going to do A, B, and C with this." Right now, we are throwing this open to the whole world and every possible technology that might be out there that might help the County of Kaua'i.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: Are we going to be able to get the report from the consultant and read it?

Mr. Dill:

I would think so, yes. Yes.

Councilmember Yukimura: And have an open discussion about all of these different possibilities?

Mr. Dill:

Absolutely. Yes.

Councilmember Yukimura:

If this has no teeth, why do you need it?

Mr. Dill: It would be nice to know the Council's position on this.

Councilmember Yukimura: How can we have a position on it when we do not know what we are talking about?

Mr. Dill: At least all I need to know, I can tell you this is, the first paragraph after the last whereas says, "It strongly urges the Administration to consider deploying new innovative technologies in their effort to solve our current solid waste challenges." Just asking us to consider those. I think that is worthy of our consideration.

Councilmember Yukimura: But at such an expense and with such a track record of having gone out for an RFP twenty (20) years ago, and people like Mr. Kennit from Olokele Plantation, spent eight hundred thousand dollars (\$800,000) or something to do an RFP and then we never even awarded anything. I mean, that is a huge expense of time and energy. Why would we do it unless there is something that really justifies us moving from the direction we are going in? It is like nothing. There is just a vacuum. Oh, it is a new technology. There is no indication that it might actually be economically feasible, that it is actually new. Anything of this. I mean, you are asking us to support something that is a total vacuum as far as I am concerned.

Council Chair Rapozo: No. Councilmember Yukimura, he is not asking us to support this. We are introducing it. He is not introducing it.

Councilmember Yukimura: No.

Council Chair Rapozo: We are introducing the Resolution. He came up to say he supports it.

Councilmember Yukimura: I am sorry, Chair. But he just told us, "We would like to have direction or we would like to have Council support." So, he is asking us, and answer my question.

Mr. Dill: Well, certainly before we go to the stage where we want eight hundred thousand dollars (\$800,000) or some large amount of money from the Council, we would be here on the floor having a robust discussion about that issue. I think it would be negligent of us not to look at alternatives for managing solid waste knowing the current expense and the future expense we are going to endure going in the direction we are currently headed in.

Councilmember Yukimura: Well, then come back to us. We will defer this. Come back and tell us what the possibilities may be. If we are going to do the RFP, we need to know what we want. We are not going to say, "Tell us what we want." You make such a big open RFP. The value of the RFP is that you have done a lot of work on it so you really know what to ask for and what kind of conditions and so forth. Otherwise, you waste so much money and time.

Mr. Dill: Councilmember Yukimura, we are going through the stage right now. As I said, all we are asking is for your support to consider these things. If you do not think we should consider them, then do not support the Resolution is what I am saying.

Councilmember Yukimura: Then share with us what you got from the RFI so we have some idea of the possibilities. You have given us nothing except a general concept that maybe there is something better than what we are doing. But no concept of what the community has done with these new technologies that might serve as an example of what we might do.

Mr. Dill: Well, we will certainly be here at some point in the process if we think it is something to pursue. This was introduced by a Councilmember and we are supporting it because we think it is worthy of consideration.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: First of all, I want to thank you for your presentation, not presentation, but your agreement. Obviously, you are pointing out that it is to consider that the County is considering new and innovative, and then the "Be It Resolved" is where it says it all. We urge you to consider some options. I guess my question, you said eight (8) people have submitted RFIs, but it is likely we could get more people once the RFP goes out?

Mr. Dill:

That is correct.

Councilmember Kagawa: included in this?

By reading this Resolution, the anaerobic is

Mr. Dill:

Yes.

Councilmember Kagawa:

We are wide open right now.

Mr. Dill:

Yes.

Councilmember Kagawa: This is a question also, the RFP will focus on how much waste is taken away from the landfill from being having to be buried and what will it cost the County, right? Are those two (2) major factors?

Mr. Dill: concerns.

Two (2) major factors, and also environmental

Councilmember Kagawa: will be weighed also with a score?

And how much pollution it is causing, that

Mr. Dill:

Yes.

Councilmember Kagawa:

Thank you. Thank you, Chair.

Council Chair Rapozo:

Mr. Trask, you look bothered.

Mr. Trask: Yes. It was echoed earlier by this body. For the record, Mauna Kea Trask. We are here for Resolution and the Resolution states what it states, and that is what we are specifically here for. The discussion has been had, but I would like to taper it off at this point because RFP processes is a procurement process. It is not a legislative activity. At the time of funding budget or a subsequent time, it could be discussed. I just wanted to emphasize that fact that one, we are not agendaed to talk about RFPs and procurements today. It is not a

legislative *kuleana*. I understand it is a difficult thing to say, but it is true. It is an administration process from Public Works and Finance, largely. So, I just wanted to say that out for the record and not go too much further down that road.

Council Chair Rapozo: Mr. Dill, you say we have hired a consultant?

Mr. Dill: We are in the process of getting one on-board.

Council Chair Rapozo: That consultant will do an analysis and will submit recommendations to the Administration?

Mr. Dill: Correct.

Council Chair Rapozo: At that point, I am assuming you would be able to come to this body and do a presentation with the recommendations of the consultant?

Mr. Dill: Yes.

Council Chair Rapozo: Thank you. Councilmember Yukimura.

Councilmember Yukimura: And those recommendations will tell us what you found out from the RFI?

Mr. Dill: Correct.

Councilmember Yukimura: Okay. So, I agree that an RFP is an administrative proposal, but it is usually an administrative proposal implementing a policy that has been set by the Mayor and the Council. I mean, because RFP processes costs a lot of money and time. If it is not been vetted as a policy direction from the Council, something is wrong.

Council Chair Rapozo: At the appropriate time that you come to the Council...

Councilmember Yukimura: Mauna Kea, that is a question for you.

Mr. Trask: Well, at the appropriate time, yes, budget.

Council Chair Rapozo: Yes.

Mr. Trask: That is the policy statement of this body.

Councilmember Yukimura: No. Okay. So, the budget is now though. It is fifty thousand dollars (\$50,000).

Mr. Trask: Yes, but we are not talking about the budget today. We are talking about this Resolution today.

Councilmember Yukimura: We cannot make a policy decision without information. We were told at budget that we could not get the information from the RFI. I asked for it.

Council Chair Rapozo: Has that been formally requested, Councilmember Yukimura?

Councilmember Yukimura: No. I formally requested it on the floor and was told it cannot be provided, is that not true?

Mr. Dill: I do not recall that.

Council Chair Rapozo: We will send it over.

Councilmember Yukimura: Okay. Very good.

Council Chair Rapozo: Officially.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Because I do not see why we would be prohibited from looking at an RFI.

Mr. Dill: The one thing I would add is some the submittals included what was considered proprietary information. So, we would have to keep that confidential.

Council Chair Rapozo: Well, you just redact what you have to redact or keep back what you have to keep back. But I think maybe the technology might be proprietary, but the services, I do not think that is. Again, this Resolution is to consider. We are not asking you to take a technology. We are not asking you to enter into an RFP. We are saying to consider new technologies. When you come back with this consultant report and recommendation, at that point, the Council is going to have to make the decision whether we are going to go forward with RFP because it does involve money, or not. That would be the appropriate time. But this Resolution is just such a benign. It is just asking you to look at alternatives with new technologies and whatever you folks find, you inform us, and then we make the determination. Councilmember Hooser.

Councilmember Hooser: I think it is legitimate to discuss the context in which this Resolution is being proposed. I think that is what we are trying to do and that is why the RFI discussion led which led to the RFP discussion. But it certainly seems like legitimate information for this Council to ask questions on and get clarity on the context. Resolutions strongly urges the Administration to consider deploying. So, we can say, "It is no big deal." Well, if it is not big deal, why should you need it? We should not have to tell the Administration to explore our options. I am certainly not comfortable not strongly urging them to do something that I do not know what is contained within the definition of "new innovative technologies." I want tried and true innovative technologies. I do not want to be the test case for technologies. If it is not necessary, I do not know why we are even have the conversation. Why does the Administration....you can just go do this, right?

Mr. Dill: Absolutely, yes.

Councilmember Hooser: Yes. You are already doing this, right?

Mr. Dill: We are already doing this.

Councilmember Hooser: You are already considering deploying new and innovative technologies, right? You are doing that now?

Mr. Dill: Correct.

Councilmember Hooser: Okay. I do not know why we are having the conversation.

Council Chair Rapozo: Exactly. Can we vote?

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Hooser: I am not ready to support it. They are doing it. They do not need me to strongly encourage them.

Council Chair Rapozo: Exactly. I think that is why a lot of this discussion is really, I mean, they are doing it. Whether we pass this or not, they are doing it and it is going to move forward. Again, it is a Resolution. So, the Council will vote and the majority will prevail. That is how it works. That is how it works. Councilmember Yukimura.

Councilmember Yukimura: If you are already doing this, this is meaningless.

Mr. Dill: To me, it is not.

Councilmember Yukimura: Why?

Mr. Dill: I would like to know that the Council is supporting the Administration's efforts to look at options to manage our solid waste.

Councilmember Yukimura: But we do not know what those options are that you are looking at.

Council Chair Rapozo: Neither do they.

Mr. Dill: You do not seem to want to consider them though.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Chair, I just had put some time into it. From the title, just so you get my answer. I support the direction that you folks are going from with this Resolution as it is titled. I do have some concerns about it. I did create some amendments if this body is willing to address and review them. If I can entertain that motion now.

Council Chair Rapozo: Well, we need to be called back to order. What I want to do is I want to take care of the public testimony.

Councilmember Chock: Okay.

Council Chair Rapozo: When we will come back to order, we can entertain any amendments. But I want to make sure, does anyone have any other questions for Larry? Councilmember Hooser.

Councilmember Hooser: When will the Council be briefed?

Council Chair Rapozo: I am sorry.

Councilmember Hooser: When will the Council be briefed on the eight (8) technologies or RFIs? When will someone be telling us all fancy new innovative things that are being proposed? To me, that would be the time that we would have that discussion and then decide whether we want to support them to not.

Mr. Dill: I do not have with me off the top my head the schedule for the consultant's work. I would guess it is a couple of months, approximately. But if you send over a request, then we can certainly respond and let you know when we are ready to make a presentation to Council. But I would think around that timeframe.

Councilmember Hooser: A couple of months for you to present the top tiered ones?

Mr. Dill: No, the results of the consultant's analysis.

Council Chair Rapozo: Of the RFI.

Mr. Dill: Correct.

Councilmember Hooser: So, the consultant is analyzing the eight (8)?

Mr. Dill: Yes.

Councilmember Hooser: And will then report on that analysis?

Mr. Dill: Correct.

Councilmember Hooser: In terms of the feasibility and all of that kind of stuff?

Mr. Dill: Yes.

Councilmember Hooser: How much are we paying that consultant again?

Mr. Dill: Fifty thousand dollars (\$50,000).

Councilmember Hooser: Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: You are saying we can get the information from the RFI now and then we will get the report later, the consultant's recommendation?

Mr. Dill: I believe so. As far as I know, I am now aware of any reason why we cannot release the RFI submittals to you.

Councilmember Yukimura: Okay. Well, where is the attorney?

Council Chair Rapozo: We are going to send it over formally and they will make the determination. I do not know if that violates anything. But we will send it over and have the attorneys look at it.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Any more questions for Larry? Thank you, Larry. Are you catching the bus?

Mr. Dill: No.

Council Chair Rapozo: Okay. I do not want you to miss that bus that is why. Anyone in the audience wishing to testify?

Mr. Sato: First registered speaker is Pamela Burrell, followed by Tek Nickerson.

Council Chair Rapozo: Thank you for your patience for waiting so long.

PAMELA BURRELL: Interesting. My name is Pamela Burrell and I was under the assumption first with this Resolution that you are introducing, that it was a waste-to-energy plant that you had in mind and I came prepared to speak against that. But what I am in total agreement of yes, we need to expedite and get something new. As far as I can see with our Integrated Solid Waste Management Plan as it is, we have not put that technology into place yet. We need that MRF. I mean, that will divert easily seventy percent (70%) of our waste. So, that I think it needs to be fast-tracked, otherwise, I feel like we are diverting, wasting our time, wasting energy, and wasting valuable resources to just sit on. I just feel very impatient because it was 2011 when the Council passed the Zero-Waste Resolution. We paid the consultants already to make a plan for our solid waste. I think it is a good plan. So, San Francisco is at well over eighty percent (80%) now and with the goal of zero (0) by 2020. That is the technology that we should be looking at, people that are being successful and green.

Council Chair Rapozo: Do you know that San Francisco has waste-to-energy?

Mr. Burrell: No, they do not.

Council Chair Rapozo: Oh yes they do. I visited the plant. They do.

Ms. Burrell: They do?

Council Chair Rapozo: They do, but they divert as well.

Ms. Burrell: Okay. Well, I was not aware of that.

Council Chair Rapozo: I visited the plant personally.

Ms. Burrell: Okay, and they probably have a lot more.

Council Chair Rapozo: They do.

Mr. Burrell: Yes. That is not my written my testimony,
but that is my new testimony.

Council Chair Rapozo: Do you have a copy of the Resolution itself?

Ms. Burrell: I do, but not with me.

Council Chair Rapozo: Councilmember Kagawa, did you have a
question?

Councilmember Kagawa: Yes. Thank you, Pam, for your testimony.
One of the big problems with achieving that seventy percent (70%) is that as we try
and recycle these products and sort them out, San Francisco does not have to ship it
across the ocean.

Ms. Burrell: I understand.

Councilmember Kagawa: So, that may well be the solution that Larry
picks out. But you understand there is a need to look at all options?

Ms. Burrell: Right.

Councilmember Kagawa: Because we have the ocean to go over. Put it
on a barge, shipping it, and burning fossil fuel. Although we are not burying it here,
is that taking care of the environment and the *‘āina*? I do not believe so, that putting
it on a ship and shipping it across the ocean is the best way. But everybody has
different opinions.

Mr. Burrell: Again, it would be interesting to see what
these are. I just felt we had something moving forward on the slow-track.

Councilmember Kagawa: No. Somebody read between the lines and
tried to cross the “T” that was not even there. So, I think you were fed some
information that was wrong. It is just an open-minded Resolution that just urges
solid waste to move a little quicker now that they have got their RFIs in.

Mr. Burrell: Okay.

Councilmember Kagawa: If that makes sense.

Mr. Burrell: Thank you.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Any other questions? Thank you very much
for coming.

Mr. Sato: Our last speaker is Tek Nickerson.

Mr. Nickerson: Thank you, Council.

Council Chair Rapozo: Thank you.

Mr. Nickerson: Again, speaking as an Environmental Land Use Planner with forty-four (44) years consulting municipalities on this subject. I see there are two (2) schools of thought here. One is about incineration and the other is about recycling. Now, it is not an accident that all of Europe has gone the route of cradle-to-cradle and you folks are talking about incineration, which prevents cradle-to-cradle. This Resolution says "incineration" in the second paragraph. You have put blinders on the consultant to only look at incineration. If you said "cradle-to-cradle and incineration," we would like to have RFPs for the whole range, then you would have a balance. But you have not. Now, I would like to share with you my experience, my hometown's experience, which is very similar to Kaua'i's regarding the issue of municipal waste conversion to electricity versus recycling. My hometown in Connecticut was one (1) of eight (8) municipalities. By the way, I made the same testimony in 2009, word-for-word. One (1) of the eight (8) municipalities desperate to find alternative to trucking waste to landfills in western Pennsylvania and Ohio at enormous expense. We were recycling more products than Kaua'i and still faced a catastrophe. When Enron offered to contract to generate electricity from the solid waste of our region, we were eager to take the bait. What we did not foresee is that we were contracting to supply a minimum amount of solid waste on a regular basis. That meant we were forced to consume, consume, and consume in order to feed the incinerator. We could not reduce our consumption without paying a financial penalty nor increase our recycling from cradle-to-cradle. It became an addiction. Only Enron's collapse rescued us from this grave misjudgment. To quote Pam Burrell in 2008, "what we discovered locally is that by recycling our discarded resources we are saving more energy than what we could possibly gain by burning them. We were then told about successful zero-waste strategies all over the United States (US) and Europe. No new incinerators have been built the last ten (10) years, now fifteen (15) years, yet," perhaps the one you are talking about is an exception. "Yet our County continues to funnel more of our taxpayer money to hire a consultant, which was three hundred eighty-five thousand dollars (\$385,000) to study waste-to-energy or to send County Councilmembers to London on misguided junk, in my opinion, when the money could have been better spend hiring a recycling coordinator, a waste diversion program advisor, designing materials..."

Council Chair Rapozo: Mr. Nickerson, hang on real quick.

Mr. Nickerson: Yes.

Council Chair Rapozo: Is there anyone else in the audience wishing to testify? Okay, you can have your second three (3) minutes.

Mr. Nickerson: "Designing a materials recycling facility, starting a green waste curbside pickup program, and expand the public pay-as-you-throw system to support recycling efforts. Japan lives and breathes recycling. Its attitude to the planet is literally irrelevant and so must ours." Thank you.

Councilmember Kagawa: I would just like to respond to the London reference.

Mr. Nickerson:

Yes.

Councilmember Kagawa: I am the Public Works Chairperson. It is my second term as Public Works Chairman. It is typical for people who are interested in trying to help the County or do business with County to contact the Public Works Chairman. When Pelletron invited me to go to London to meet with British Airways and see why British Airways has bought into Pelletron's system, I thought it was worthy of investigating. I thought that perhaps this is the solution, this is the new technology that can help solve probably the world's largest problem here on Kaua'i first. I think it was well worth taking that leap and trying to determine if this was a concept that I could support. As of now, I will not disclose how I personally feel because it is not in the best interest of the County for me to say my position before our professionals and our engineers come up with their recommendations. I think the trip that I went to with the Mayor in trying to solve Kaua'i's biggest problem, the world's biggest problem, was legitimate. It was not done to enjoy a free trip to London. I just wanted to clarify that. I respect your comments.

Mr. Nickerson:

Okay. Thank you.

Council Chair Rapozo: Councilmember Yukimura. Oh, I am sorry. Tape change. Five (5) minute tape change. Sorry about that. It always happens with you, JoAnn.

There being no objections, the Council recessed at 4:56 p.m.

The meeting was called back to order at 5:01 p.m., and proceeded as follows:

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: Thank you. Tek, thank you for being here. I would like to explain cradle-to-cradle because I do not think most people hearing it understand what you are talking about.

Mr. Nickerson: Thank you. Cradle-to-cradle refers to a philosophy and commitment that when you are planning and designing something such as a bottle or a building, that you are also planning on its destruction, it is recycling, and how you are going to use it. Now for instance in my hometown in Connecticut, you cannot put up a building that does not come with a bond to destroy it in fifty (50) years or whatever it is life expectancy is. So, we understand that the cradle-to-cradle means. Now in Amsterdam in Holland, same idea. When you are purchasing a car, you are purchasing also the cost of recycling it when its life expectancy is gone and you are going to turn it in. The plan is already in place to destroy it and recycle it. Cradle-to-cradle.

Councilmember Yukimura: So basically, it is zero-waste. You do not create any waste when it comes to the end of its life? Is that what you mean?

Mr. Nickerson:

I believe that is correct. Yes.

Councilmember Yukimura: The beginning of our work of the construction and demolition bill that is coming from solid waste to see that we can divert a lot of our construction waste from the landfill, is an effort to move into that cradle-to-cradle paradigm, if you will?

Mr. Nickerson: Yes.

Councilmember Yukimura: Okay. It is reduce, reuse, and recycle. So, the reduce part is what the cradle-to-cradle or that Amsterdam law is talking about, that you require that when something is created, there is the plan for what happens when it comes to the end of its life such that there is no waste created?

Mr. Nickerson: Yes.

Council Chair Rapozo: I do not think that is true.

Mr. Nickerson: No?

Council Chair Rapozo: The car does not disappear.

Mr. Nickerson: No.

Council Chair Rapozo: You pay for the destruction of that.

Mr. Nickerson: You pay for the destruction.

Council Chair Rapozo: It does not remove the waste. It does not mean that the waste no longer exists. It is just that you are getting the people to fund its recycling or disposal. That what it does.

Councilmember Yukimura: Well, it also goes into, I believe, the materials that are used to make the car. That is why Toyota, I believe, is working on a completely recyclable car.

Council Chair Rapozo: But anyway, we are talking about a technology and the Administration exploring technologies so let us focus on that. We are not here talking about zero-waste or recycling.

Councilmember Yukimura: We are.

Council Chair Rapozo: We are here to talk about asking the Administration to look at new technologies to take care of our solid waste.

Councilmember Yukimura: Yes, but Chair, that is why this Resolution is not adequate because it...

Council Chair Rapozo: Okay, well, then can vote against it, JoAnn.

Councilmember Yukimura: Yes. But I also have the right to engage in questions and answers about...

Council Chair Rapozo: You do.

Councilmember Yukimura: ...the alternative ways to divert something because it might be the more cost-effective and job creating alternative.

Council Chair Rapozo: Okay, do you have a question?

Councilmember Yukimura: My question was what cradle-to-cradle was and you are explaining that basically the cradle-to-cradle paradigm ends up with no waste in the end?

Mr. Nickerson: It is materials recovery. My point was that your proposal here is only limited to incineration and therefore, you are hobbling the consultant to only look at incineration and not consider the wider view of cradle-to-cradle.

Councilmember Yukimura: Thank you very much.

Council Chair Rapozo: Thank you. Councilmember Kaneshiro.

Councilmember Kaneshiro: I was just going to clarify. I am not sure where it says we can only use incineration. I know it says, "Currently utilized technologies like incineration." But I did not know anywhere in it where it said it. I think we are just leaving it open.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I would like to ask a question of Larry Dill.

Council Chair Rapozo: Anyone else have any questions for Mr. Nickerson? If not, thank you very much, sir. Mr. Dill.

Mr. Dill: For the record, Larry Dill, County Engineer.

Councilmember Yukimura: Are the responses that you got in your requests for information basically incineration or waste-to-energy burning type of proposals?

Mr. Dill: No.

Councilmember Yukimura: In your requests for information, did you ask for all types of diversion?

Mr. Dill: Yes.

Councilmember Yukimura: Are you going to be comparing it against the diversion plans of our Integrated Solid Waste Management Plan?

Mr. Dill: Yes.

Councilmember Yukimura: Is the consultant going to have the background to do that?

Mr. Dill: Yes.

Councilmember Yukimura: It will not be just an Engineering Solutions Consultant?

Mr. Dill: I am not sure what that question means really. He is an Engineering Solutions Consultant.

Councilmember Yukimura: Okay. But because our Integrated Solid Waste Management Plan and Zero-Waste Plan is not an engineering solution *per se*. It is a behavior change policy approach that creates diversion from the landfill. So, are you going to have a consultant that is aware and knowledgeable about that aspect of diversion?

Mr. Dill: Yes.

Councilmember Yukimura: Okay. Thank you.

Council Chair Rapozo: Any other questions for Larry? Thank you Larry. Do not go too far. Anyone else wishing to testify?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Discussion? There is a motion? Correct, there is a motion. Go ahead, Councilmember Chock.

Councilmember Chock: Thank you, Chair. I think it was circulated, four (4) amendments.

Councilmember Chock moved to amend Resolution No. 2015-43 as shown in the Floor Amendment, which is incorporated herein and attached hereto as Attachment 3, seconded by Councilmember Yukimura.

Council Chair Rapozo: Okay. Go ahead and explain your amendment.

Councilmember Chock: Thank you. I looked at the Resolution. I wanted to see where perhaps I could protect us a little bit more in terms of how this Resolution was moving forward. The first amendment speaks to us in terms of appropriate scale for Kaua'i because I know one of the concerns has been can we ensure that we can develop or invest in something that is going to be appropriate and handle the needs of Kaua'i and not have to, like Tek you said, "feed the machine." So, that is what number 1 is again. I wanted to look at more inclusivity in it. Number 2 is really about adding "proven diversion activities" that I think are important to include. Number 3 just strengthens it with rather than "dual" maximum activity because I think we are committed to that in our solid waste plan. Then number 4, adding "savings" and also "to minimize the destruction of non-renewable materials that may be able to continue to provide value in the future." So just kind of again, alludes to the conversation we are talking about with cars and so forth but looking at being able to at least include that kind of verbiage to consider. So, those are four (4). Actually when I look back at the Resolution, there is probably more. But this is what I am proposing at this time.

Council Chair Rapozo: Any questions for the introducer or comments?

Councilmember Kagawa: Comment.

Council Chair Rapozo: Go ahead.

Councilmember Kagawa: I think the purpose being that we were so early, we had the RFI process completed, and as Larry said, it does not mean during the RFI process there will not be a lot more. I think I tried to draft the Resolution as broadly as possible to bring something new that we are not doing currently. I think this amendment seems to close the door on being open. I will not be supporting it. It goes against why I even pushed for a Resolution. I want us to look at all, including more to come. I do not want to close the door. What is the sense? We close the door and not hear what is out there? Science is ever changing. We have got to be open-minded and let our engineers and his staff vet all of the proposals. There is no guaranteed best way to solve the world's largest problem that has not been solved yet. So, let us keep an open-mind and if we want to go with the safest, we just MRF it. Stack it up, put it on a ship, and we will pay up the yin yang. Thank you, Chair.

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: Just in response to Councilmember Kagawa. I appreciate what he is considering. Again, I have not deleted any of the verbiage that he has put together. Again, I am looking at more inclusivity and adding to the language. But I totally respect where he wants to go with this. This is his Resolution. This is just how I could more or less buy into the direction that this is going.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Actually, this makes it more inclusive rather than narrow. It allows us to look at the proven diversion activities, which we should look at too. Without the amendments, it actually shuts it down more and narrows down the focus. By allowing us to look at the things we are doing as potentially positive too, it is saying we are looking for something that works and we are going to measure everything against what is most workable rather than just what is new.

Council Chair Rapozo: Okay. Councilmember Kaneshiro.

Councilmember Kaneshiro: I think for me, I guess the hesitation is on the "proven" part where I kind of understand where Councilmember Kagawa is going. I do not understand what the "proven" part means. I mean, is it that they are doing it on a scale somewhere else in the world similar to what we are doing it? When it comes to "proven" I think I just have a hard time with the word "proven" because it may be a technology that maybe they are doing larger-scale in California or someplace and they say if we scale it down, we could do it here. But I do not necessarily think it is "proven" because it is not our scale. So, that is where I feel like I think it maybe narrows it a little more where they could be doing the technology on a bigger-scale and I guess it is not proven because they are not doing it on a smaller-scale is there a technology that could do it on a smaller scale. That is my only hesitation on the "proven" part. I do not know.

Council Chair Rapozo: Councilmember Chock, go ahead.

Councilmember Chock: I can respond to it. Honestly, just looking at we want to invest in things that we know we can rely on. I think that we can take that any way you look or work on it further. Really, I was just looking again, to see how we can diversify this request. If it was up to me, I think this Resolution could have more work on it and I would be willing to do that. But this is where it is for me at this time and what I could offer in the time that we had. Proven for me just on a

personal level, would mean that the company can prove that they can honor what we have in terms of the capacity that we have on the island and take care of our needs that way. So, if they have done it elsewhere on a larger-scale, to me, that is okay as long as they can scale it down to what our needs here. But you will see that it is in the first two (2). Thank you.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: For both Councilmember Chock and Councilmember Kaneshiro, do you not think that there has to be some level of proof in a technology? I mean, are we going to be guinea pigs for something that has not been done at all, scale aside? Has it ever been actually done in a working operating plant? That is not important? No. I am asking those two (2) first.

Councilmember Chock: Yes, that is important. I think what I said was I am looking for reliability as well, if that is how you determine proven. But I want efficiency if we are going to invest in something. But again, I was referring to his question, which was in this particular amendment and to me, it was about scale. So, that is how I had proposed the amendment. Do I think it should be proven that we should rely on something that we can trust? Yes.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: Just to respond to putting "proven" means it is success, look at Big Island. They went with something that was proven and what did they do? They wasted two million dollars (\$2,000,000) because they reneged when it came time to do it. To compare to scale to a County in California, that is comparing apples and oranges. They can just bring whatever paper goods or what have you to a processing plant nearby. They can truck it over. In Kaua'i, we have to ship it across the ocean to get to a processing plant for cardboard, paper goods, lumber, or whatever you are talking about. If you folks do not want to do it, let us give Larry the direction because I think actually if I look back at Public Works and the County Engineers prior, they have made the right decision not to go with a waste-to-energy proposal for forty (40) something years because there is nothing has been presented to them this that made sense. We are at a time now, it is coming to fish or cut bait or go home or whatever with Ma'alo. Really, if we are intent on just doing what we are doing, then we better pass a Resolution to proceed more vigorously for Ma'alo. But here is my last option because I do not want to go there, not yet. I feel we have one (1) last chance. Let us have our engineers, our professionals, take one (1) last swing and try and see if we can extend the life of Kekaha. Honestly and sincerely, that is my hope that this Resolution is pushing them in that direction. I am elated that he is sitting here today saying that he is open and wants to spend more time going to that next step. I just really hope that the Council can support this either now or let us just make up our mind that waste-to-energy or waste diversion or MRF or what have you will never happen and let us just get ready to Ma'alo because I think it is coming down to now or never, really.

Council Chair Rapozo:

We were there a while ago.

Councilmember Kagawa: We were there a while ago, but we have another opportunity. But this is the final expansion. I talked to Troy earlier today. He said, "This last ten (10) or twelve (12) years that we have. That is it." There is nowhere else to go. No higher. No wider. Kekaha is done. Thank you.

Council Chair Rapozo: Councilmember Kaneshiro.

Councilmember Kaneshiro: I forget what I was going to say.

Councilmember Yukimura: About proven.

Councilmember Kaneshiro: The proven part. I mean, I do not know what makes it "proven." They have a large facility, they run the financials, and tell you at the end the financials this is what we came out to. If we scale it down, this is what rubbish. When I read it, as far as proven and scale appropriate, I do not know if it means appropriate to Kaua'i. I do not know if it means that you need to have a facility that is intact, same size as Kaua'i, and I guess the proven part is just hanging me up. Of course, I have faith that the proven part, Larry and the Administration is going to go through and they are going to sort out all of the information and they are going to make the decision on we believe this is the technology for us. The proven part is going to be part of it. When it says "proven and scale appropriate to Kaua'i," it is kind of hard for me to put my head around it as far as what necessarily necessitates what is proven in scale to Kaua'i.

Council Chair Rapozo: Councilmember Hooser.

Councilmember Hooser: I am getting more confused with the conversation as we go forward.

Council Chair Rapozo: Rewind a little bit then.

Councilmember Hooser: I would think we would want something that is proven. I have a hard time saying that we want to support something that is not proven and that is not to scale. I mean, we want to have proven technology. We are going to invest our entire future solid waste in unproven technology that is not built to scale? I mean, that is a totally reasonable attempt to improve the Resolution. It must be proven and scale for Kaua'i. So, we want something that is good for small communities, not something that is built for Chicago and they are going to bring in over here and we are going to pledge all of our solid waste for the rest of our life to them and pay them tipping or hauling fees or whatever. I cannot understand why we are arguing over the word "proven." I find it interesting that the only two (2) testimonies in support seem to be from Pelletron or their support people. The amendment is an attempt to improve the Resolution. I do not know. The amendment is an attempt to improve the Resolution. I do not know why there is so much resistance to improving the Resolution. But let us go forward. It has been a long day.

Council Chair Rapozo: It sure has. Councilmember Yukimura.

Councilmember Yukimura: Because I think information is so important, I am hoping that Councilmember Kagawa is filing a trip report so that we can learn from his trip too because I want to know what was learned there on taxpayer money so that we can use that information too.

Councilmember Kagawa: I am happy to provide that, and you provide me with every trip you went on also.

Councilmember Yukimura: I will.

Councilmember Kagawa: Thank you.

Council Chair Rapozo: Okay. Thank you. Alright. The amendment was moved and seconded. I will just say, I think this Resolution is to consider, and I do not want to limit the Administration to consider anything even unproven technologies. Look at it all. Then obviously, I would not support the Administration moving forward on something unproven. I mean, that is so subjective, unproven or proven. But I would assume at that time when we make the determination it will be on a proven technology. I want you to take a look at all of them, even the ones that may be crazy. But I want you to at least take a look at it and then we just whittle them away as you determined. As far as the second proven diversion activities and as far as the third and fourth amendment, I do not have a problem with that. I think that is important. I think that it is vital to minimize the destruction of non-renewable materials that have value. Yes. I think we need to definitely look at keeping as much as we can and reusing. I fully support that. But I do have a problem with the proven because I want everybody to have an opportunity to basically share their *mana'o*. You never know. Tom Brady was a sixth round draft pick. He did not go first round. He had not really proven himself yet, but they took a shot and he is a Hall-of-Famer. Sometimes you do not know. We just want be able to look at everything. Councilmember Chock.

Councilmember Chock: Chair, just so you know, if proven is implied by this body and it is known, I am okay taking out if in fact we are moving towards trying to vote on this amendment and move it forward.

Council Chair Rapozo: Like I said, I do not have a problem. I will support it if the first amendment is taken out simply because I think the second, the third, or the fourth go without saying. I think they actually should be doing that now. If there is consensus, we can whip up that amendment. We can actually do a verbal amendment.

Councilmember Yukimura: Can we just take in seriatim and vote on each one?

Council Chair Rapozo: We can do it that way. Good idea. Okay. We need a motion to take it ad seriatim.

Councilmember Yukimura moved to take the amendment ad seriatim, seconded by Councilmember Chock, and unanimously carried.

Council Chair Rapozo: Thank you. Let us take the first amendment. The first amendment is the addition of "that must be proven and scale appropriate to Kaua'i to be considered." Okay. Roll call.

The motion to amend Resolution No. 2015-43, by amending the 1st paragraph to read as follows: "WHEREAS, the County of Kaua'i ("County") is considering new and innovative technologies that must be proven in scale appropriate to Kaua'i to be considered to manage its solid waste challenges; and" was then put, and failed by the following vote:

FOR AMENDMENT:	Chock, Hooser, Yukimura	TOTAL – 3,
AGAINST AMENDMENT:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato:

3:4.

Council Chair Rapozo: Next amendment, “and proven diversion activities.” Roll call.

The motion to amend Resolution No. 2015-43, by amending the 7th paragraph to read as follows: “BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF KAUA‘I, STATE OF HAWAI‘I, that it strongly urges the Administration to consider deploying new innovative technologies and proven diversion activities in their effort to solve our current solid waste challenges; and” was then put, and carried by the following vote:

FOR AMENDMENT:	Chock, Hooser, Kagawa, Kaneshiro, Kuali‘i, Yukimura, Rapozo	TOTAL – 7,
AGAINST AMENDMENT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: 7:0.

Council Chair Rapozo: The third. “Or savings.” It is the addition of or savings and the removal of “green.”

Councilmember Yukimura: No, we are 3.

Councilmember Kuali‘i: 3.

Council Chair Rapozo: 1, 2, 3...oh, maximum. I am sorry. “Urges the Administration to consider technologies and partners who offer” removal of “dual” and the inclusion of “maximum.”

The motion to amend Resolution No. 2015-43, by amending the 8th paragraph to read as follows: “BE IT FURTHER RESOLVED, that the County Council urges the Administration to consider technologies and partners who offer [dual] maximum diversion activities as part of the solution to our solid waste challenges; and” was then put, and carried by the following vote:

FOR AMENDMENT:	Chock, Hooser, Kaneshiro, Kuali‘i, Yukimura, Rapozo	TOTAL – 6*,
AGAINST AMENDMENT:	Kagawa	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua‘i, Councilmember Kuali‘i was noted as silent, but shall be recorded as an affirmative for the motion.)*

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Then, the fourth. Let us do the fourth. I think we can do it all in one. “Urges the Administration to consider technologies that provide for the maximum net output,” addition of “or savings,” of...removal of “green.” So, it would just say “provide for the maximum net output or savings of energy and minimize the destruction of non-renewable materials that can continue to provide value as an item or as a feedstock for years to come.” Roll call.

The motion to amend Resolution No. 2015-43, by amending the 9th paragraph to read as follows: "BE IT FURTHER RESOLVED, that the County Council urges the Administration to consider technologies that provide for the maximum net output or savings of [green] energy and minimize the destruction of non-renewable materials that can continue to provide value as an item or as a feedstock for years to come in any proposed solution; and" was then put, and carried by the following vote:

FOR AMENDMENT:	Chock, Hooser, Kaneshiro, Kualii, Yukimura, Rapozo	TOTAL – 6,
AGAINST AMENDMENT:	Kagawa	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Mr. Sato: Six (6) ayes.

Council Chair Rapozo: Okay. Back to the main Resolution, as amended.

The motion for adoption of Resolution No. 2015-43, as amended to Resolution No. 2015-43, Draft 1, was then put, and carried by the following vote:

FOR ADOPTION:	Kagawa, Kaneshiro, Kualii, Rapozo	TOTAL – 4,
AGAINST ADOPTION:	Chock, Hooser, Yukimura	TOTAL – 3,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

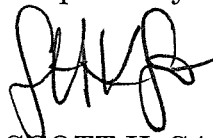
Mr. Sato: Four (4) ayes.

Council Chair Rapozo: Motion carried. That concludes the business of today. Thank you very much for your patience and your participation.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 5:27 p.m.

Respectfully submitted,



SCOTT K. SATO
Deputy County Clerk